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California Office of Historic Preservation Technical Assistance Series #14

Local Historic Preservation Ordinances

Introduction

Every local government in California has the authority to adopt a local ordinance applying regulations to historic properties. However, there is no one standard "model" for what an ordinance should contain. Because every local community has differing types of historic resources, populations, development pressures, etc., it is understandable that each local government should create a local historic preservation ordinance that best suits the needs and views of its community.

With that said, it is possible to provide some guidance as to general types of issues that are addressed in most local historic preservation ordinances and give examples of ways that some local governments have chosen to address such issues. For example, most ordinances will contain a provision for creation of a local historic preservation commission and will give certain powers to that commission; most will detail what criteria are to be used to determine what properties can be designated under the ordinance and the process for such a designation; most will have provisions for economic hardship waivers and for requiring that property owners maintain resources designated under the ordinance; and so on.

In order to help local governments in California address the issue of creating and revising historic preservation ordinances, the Office of Historic Preservation (OHP) is currently working with Clarion Associates, Inc. out of Denver, Colorado, on the creation of a local historic preservation ordinance manual. It is anticipated this manual (which will be distributed free of charge to all interested persons and to every local planning department in California and will be placed on OHP's website) will be available in Spring 2002. In the interim, OHP has placed information on its website and has created this handout to help aid persons interested in the issue of local historic preservation ordinances. Herein is the text of some actual historic preservation ordinances from local governments in California. In addition, there are more ordinances available on the OHP website as well as documents drawn from these ordinances that group certain types of ordinance provisions together to enable a comparison of how different local governments have addressed particular issues, such as commission powers, designation criteria, economic hardship waivers, etc.

Finally, OHP has been given permission by the American Planning Association to distribute free of charge copies of their booklet entitled "Preparing a Historic Preservation Ordinance" by Richard J. Roddewig. Although it was last updated in 1983 and was written for a national audience and therefore is not California specific, it still is extremely useful for anyone considering undertaking the ordinance creation process. The booklet may be requested from the Office of Historic Preservation.

Sample Ordinances

Town of Danville (1993)

Chapter 32 Planning and Land Use, Section 32-72 Historic Preservation

Division 1 Introduction

32-72.1 Purpose and Intent. The purpose of this section is to promote the general welfare of the public by:

- a. Providing a mechanism to identify and preserve the historic, visual, and aesthetic character and diversity of the Town of Danville by encouraging the protection, enhancement, perpetuation and use of areas, places, sites, improvements or other objects or things that represent past eras, events or persons important in the Town's cultural, archaeological, social, economic, political, agricultural, military or educational history, or which provide significant examples of architectural styles of the past or which are unique and irreplaceable assets to the Town, or which provide examples of the physical surroundings in which past generations lived;
- b. Promoting the continued private ownership and utilization of such structures by providing economic incentives to stabilize and improve the value of the property designated as historic resources and strengthen the economy of the Town by enhancing the Town's attraction to residents and visitors;
- c. Fostering knowledge, understanding and appreciation of our heritage thereby creating civic pride and a sense of identity based upon the recognition and use of the Town's historical resources;
- d. Establishing a basis for coordinating the goal of preservation of historic structures with the need to set standards and guidelines for the orderly growth and development of the community. (Ord. #89-8, §8-5801)

32-72.2 Definitions. As used in this chapter unless otherwise provided:

- a. Alteration shall mean an exterior change or modification of heritage resource or of property located within a historic district including, but not limited to:
 1. Exterior changes to or modifications of structure, architectural details or visual characteristics such as paint color and surface texture;
 2. Grading or surface paving;
 3. Construction of new structures;
 4. Cutting or removal of trees and other natural features;
 5. Disturbance of archaeological sites or areas; and
 6. The placement or removal of any exterior objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings and landscape accessories that affect the exterior visual qualities of the property;
- b. Architectural feature shall mean the architectural elements embodying style, design, general arrangements and components of all of the outer surfaces of any improvements, including, but not limited to, the kind, color and texture of the building materials and the style and type of all windows, doors, lights, signs and other fixtures appurtenant to a structure;
- c. Designated heritage resource shall mean a site, improvement, appurtenance, natural feature or other object that has been designated under Division 2 of this section;
- d. Heritage Resource Commission shall mean the Heritage Resource Commission established under Chapter II, Section 2-10;

- e. Improvement shall mean a building, structure, place, parking facility, fence, gate, wall, work of art or other object constituting a physical addition to real property, or any part of the physical addition;
- f. Major alteration shall mean an application involving a modification to one (1) or more of the following items:
 - 1. Additions to a structure;
 - 2. Construction of a new building;
 - 3. Exterior building materials, not including items listed in paragraph h. of this subsection;
 - 4. Grading;
 - 5. Natural features designated as a heritage resource.
- g. Minor alteration shall mean an application involving a modification to one (1) or more of the following items:
 - 1. Building color;
 - 2. Signs;
 - 3. Light fixtures;
 - 4. Plant materials, landscape, hardscape, or paving not including natural features designated as a heritage resource;
 - 5. Street furniture;
 - 6. Awnings;
 - 7. Doors and windows.
- h. Natural feature shall mean a tree, significant landscaping feature or significant geological formation;
- i. Owner shall mean the person whose name appears as the owner of a site, improvement or natural feature on the last assessment roll of Contra Costa County;
- j. Preservation shall mean the identification, study, protection, restoration, rehabilitation, reconstruction, relocation or enhancement of a heritage resource;
- k. Site shall mean a parcel or portion of real property. (Ord. #89-8, §8-5802)

Division 2 Designation of Heritage Resources

32-72.3 Survey. The Town of Danville shall undertake an ongoing survey and research effort in the Town to identify areas, sites, improvements and objects that have historic, community, architectural, cultural or aesthetic importance, interest or value, and shall compile appropriate descriptions, facts and photographs of potential heritage resources. The owner of record shall be notified that his/her improvement has been placed on the inventory of heritage resources. (Ord. #89-8, §8-5803)

32-72.4 Criteria for Designation. The Town Council may designate any improvement or property over fifty (50) years of age or, in special circumstances, under fifty (50) years, as a heritage resource upon the written consent of the property owners if it meets any of the following criteria:

- a. Is representative of a particular architectural style or reflects special elements of a distinct historical period, type, style or way of life important to the Town;
- b. Is a type of building or is associated with a business or use which was once common but is now rare;
- c. Is representative of the evolution or development or associated with the cultural, religious, educational, political, social or economic growth of the community, County, State or Nation;
- d. Represents the work of a master builder, engineer, designer, artist or architect whose individual genius influenced his era;
- e. Is the site of an historical event or is associated with persons or events that have made a meaningful contribution to the Nation, State or community;
- f. Has a high potential for yielding information or archaeological interest;
- g. Embodies elements of outstanding or innovative attention to architectural or engineering design, detail, craftsmanship or use of materials;
- h. The unique location or singular physical characteristic represents an established and familiar visual feature of the neighborhood, community or Town;
- i. Is a geographically definable area, possessing a significant concentration or continuity of site, improvements, natural features or objects unified by past events or physical development;
- j. Is an unusual natural feature. (Ord. #89-8, §8-5804)

32-72.5 Incentives. The Town of Danville may offer the following incentives to the owner(s) of property meeting the criteria for designation in order to encourage their participation in the preservation program:

- a. Waive restrictions contained in Section 32-45, Downtown Business District, subsections 32-45.11, 32-45.12 and 32-45.14 on the location of personal service, service/commercial, service office, and office uses in Downtown Business District Areas 1, 2, and 4;

- b. If located within area 1, 2 or 3 of the Downtown Business District, a reduction in the parking requirements for any approved addition to the structure and/or site, or approved change in use;
- c. Relaxation of development standards for additions to designated structures and/or site;
- d. A reduction in the fees for the appropriate building permits required to do improvements;
- e. Expedited processing of permit applications;
- f. Liberal interpretation of the Historic Building Code;
- g. If located in the Downtown Business District, a reduction of the anticipated beautification assessment;
- h. Availability of low interest loans for alteration of the improvement;
- i. Availability of grants for rehabilitation from a portion of the Town's retail sales tax revenues, as may be budgeted from time-to-time;
- j. A reduction in property taxes;
- k. Inclusion in a pamphlet to be distributed to residents and tourists;
- l. Identification plaques for designated improvements;
- m. Such other incentives as Town Council may from time-to-time implement. (Ord. #89-8, §8-5805)

32-72.6 Nomination.

- a. A nomination for a heritage resource shall be made to the Heritage Resource Commission on a form prepared by it. A nomination may be submitted by (1) the owner of record of the property or structure, (2) the Heritage Resource Commission, (3) the Planning Commission, (4) the Town Council, or (5) any other organization with a recognized interest in historical preservation.
- b. The nomination shall clearly identify the proposed heritage resource and shall set forth reasons justifying the proposed designation.
- c. Notification of nomination shall be given to the owner within ten (10) days, although the nomination does not require the owner's permission. (Ord. #89-8, §8-5806)

32-72.7 Interim Control. Once nominated, no building permit shall be issued for major alteration, construction, demolition, or removal of any potential historic resource until the final disposition of the nomination by the Town Council unless such alteration or removal is authorized by formal resolution of Town Council as necessary for public health, welfare or safety. In no event shall the delay be for more than one hundred eighty (180) days. (Ord. #89-8, §8-5807)

32-72.8 Review and Recommendation.

- a. The Heritage Resource Commission shall review each nomination application for conformance with the purpose and standards of this section and the criteria in subsection 32-72.4;
- b. The Heritage Resource Commission shall conduct a study of the proposed designation and make a preliminary determination based on such documentation as it may require. Their recommendation for approval, rejection or modification of the proposed designation shall be forwarded to the Town Council within sixty (60) days after receipt of a completed nomination application for that resource;
- c. When submitting its recommendation to the Town Council, the Heritage Resource Commission shall provide comments regarding the relationship of the proposed designation to the General Plan and any applicable specific plan, its opinion as to the effect of the proposed designation upon the surrounding neighborhood, and its opinion and recommendation as to any other planning consideration that may be relevant to the proposed designation;
- d. The Town shall notify the owner of a proposed designation by certified mail with return receipt at least thirty (30) days before any Heritage Resource Commission consideration of the designation and of any action taken regarding the designation;
- e. The property owner of a structure nominated for heritage resource designation may notify the Town, in writing, of their decision to withhold or grant permission for the heritage resource designation at any time after the nomination but prior to designation. (Ord. #89-8, §8-5808)

32-72.9 Notice and Hearing.

- a. The Town Council shall schedule a public hearing on a proposed designation to be held within thirty (30) days after receiving a recommendation from the Heritage Resource Commission.
- b. The Town shall send written notice of the date, time, place and purpose of the hearing at least fifteen (15) days before the hearing to the owner(s) of record and applicant (if other than owner) and owners of property within three hundred (300') feet of the proposed designation. Failure to receive notice does not invalidate the proceedings. (Ord. #89-8, §8-5809)

32-72.10 Decision.

- a. The Town may approve, approve with modifications or disapprove a recommendation for heritage resource designation. However, in no case, shall a designation be made without the consent of the

owner. The decision shall be made by resolution. A designated heritage resource shall thereafter be subject to the regulations set forth in this chapter and any amendments to it.

- b. If a nomination is disapproved, a subsequent application for the same resource may not be considered for at least three (3) years unless substantial additional information becomes available, in which case the nomination can be resubmitted after one (1) year. A new application may be submitted by the property owner at any time. (Ord. #89-8, §8-5810)

32-72.11 Notification.

- a. The Town Council shall notify the owner of a proposed heritage resource within thirty (30) days of its determination.
- b. If an improvement is designated a heritage resource, the Town shall send a copy of the resolution to the property owner, Heritage Resource Commission, Planning Commission, Building Officer, San Ramon Valley Historical Society, California State Historic Preservation Officer and Contra Costa County Recorder.
- c. The property owner shall also be provided with a copy of this section and information regarding eligibility for benefits under local, State or Federal law to the owner of the resource. (Ord. #89-8, §8-5811)

32-72.12 Amendment or Termination.

- a. The Town Council may amend or terminate a heritage resource designation. A designation may be terminated only if a change of circumstances results in the resource no longer satisfying the criteria set forth in subsection 32-72.4.
- b. If termination of a heritage resource designation is approved at the request of the property owner, penalties will be assessed by the Town Council to offset the original incentives given for participation in the program.
- c. The procedure for amending or terminating a designation is the same as for designating a resource under this Division. A petition for mending or terminating may be submitted to the Heritage Resource Commission and shall be accompanied by a processing fee in an amount established by Town Council resolution. (Ord. #89-8, §8-5812)

Division 3 Alteration to a Heritage Resource

32-72.13 Certificate Required. No person may alter the exterior or remove or relocate any improvement, or any portion thereof, which has been designated a heritage resource under Division 2 without first obtaining a certificate of approval under this Division. (Ord. #89-8, §8-5813)

32-72.14 Application Fee and Form.

- a. The Building Official shall report any application or a permit to work on a designated heritage resource to the Chief of Planning along with an application for a certificate of approval in a form prescribed by the Town. The application shall include the following:
 - 1. The name, address and telephone number of the applicant;
 - 2. The location of the property with a colored photo;
 - 3. A concise statement of the nature and extent of the proposed work;
 - 4. Plans and specifications showing the proposed exterior appearance;
 - 5. Color and texture of materials; and
 - 6. Other necessary information requested by the Chief of Planning.The application requirements may be reduced if, in the judgment of the Chief of Planning, certain items are not necessary to review the application.
- b. The completed application shall be accompanied by a fee in an amount established by Town Council resolution to cover the administrative costs of processing. (Ord. #89-8, §8-5814)

32-72.15 Standards for Review. The following standards apply to review of a certificate of approval application.

- a. The proposed work should not adversely affect the exterior architectural features of the building, site, or the special character, interest or value of its neighboring improvements and surroundings, including facade, setback, roof shapes, scale, height and relationship of material, color and texture.
- b. The reviewing body shall be guided by the most current revision of the Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings," and the State Historic Building Code, which deals with as many aspects of alternative approaches to the prevailing codes as possible, including structural, fire, safety, handicapped requirements and the use of archaic materials. Both publications are incorporated herein by reference.

- c. The reviewing body shall also be guided by any written design guidelines which have been adopted by the Heritage Resource Commission or Town Council as applicable to a heritage resource.
- d. The Heritage Resource Commission shall make recommendations to the applicant concerning change, if any, in the proposed action that would cause the Commission to reconsider its denial and shall confer with the applicant and attempt to resolve the differences as quickly as possible. An applicant may re-submit an amended application or reapply for a building or demolition permit that takes into consideration the recommendations of the Commission. (Ord. #89-8, §8-5815)

32-72.16 Review and Determination.

- a. Review of Minor Alterations.
 - 1. The Chief of Planning, or his or her designee, shall review the completed application within ten (10) working days after receipt. If the proposed work meets the minimum design standards in subsection 32-72.15, the Chief of Planning shall approve the application and notify the Heritage Resource Commission of such action.
 - 2. If, in the judgment of the Chief of Planning, the proposed work does not meet the standards, the Chief of Planning shall forward the application to the Heritage Resource Commission for its review and determination. The Heritage Resource Commission shall make its decision within sixty (60) days after receipt of the application.
- b. Review of Major Alterations. Within ten (10) working days after receipt, the Chief of Planning shall forward the completed application to the Heritage Resource Commission for its review and determination. Heritage Resource Commission shall make its decision within sixty (60) days after receipt of the application.
- c. Determination. The reviewing body shall either issue the certificate of approval or advise the applicant in writing of the reasons for denial within ten (10) days of its decision. (Ord. #89-8, §8-5816)

32-72.17 Appeal.

- a. An action of the Heritage Resource Commission may be appealed to the Town Council by filing a written notice of appeal with the Town Clerk within ten (10) days following the determination of the Commission.
- b. The Town Council shall consider the appeal within thirty (30) days from receipt of the notice and may confirm, reject or modify the decision of the Commission. Written notice shall be provided to the appellant within ten (10) days after the Council's determination. (Ord. #89-8, §8-5817)

32-72.18 Demolition.

- a. If an application is for demolition, the Town may suspend issuance of a demolition permit or certificate of approval for one hundred eighty (180) days to allow the Heritage Resource Commission to take such steps as it deems necessary to preserve or restore the structure concerned. Such steps may include consultation with civic groups, public agencies and interested citizens, exploration of the possibility of moving one (1) or more structures or other features and recommendations for acquisition of the property by public or private agencies.
- b. In order to properly evaluate the potential loss of the structure, the Heritage Resource Commission shall take into consideration the economic feasibility of the alternatives to the proposal and balance the interest of the public with the interest of the owner of the structure.
- c. If the application for demolition is approved, the permit shall not be activated until the building permit for the replacement structure is approved by the Chief of Planning, unless the heritage resource is in an unsafe or dangerous condition. (Ord. #89-8, §8-5818)

32-72.19 Property Owned by Public Agencies. The Heritage Resource Commission shall notify public agencies which own or may acquire property in the Town regarding the existence and character of the designated heritage resources. If the public agency is not subject to the zoning jurisdiction of the Town, that agency shall be encouraged to seek the advice of the Heritage Resource Commission before the construction, alteration or demolition of a designated heritage resource. (Ord. #89-8, §8-5819)

Division 4 Miscellaneous Provisions

32-72.20 Maintenance.

- a. The owner and tenant of a designated heritage resource shall keep and maintain in good condition and repair all exterior portions of the resource and all interior portions whose maintenance is necessary to prevent deterioration and decay of an exterior feature.
- b. Nothing in this section shall be construed to prevent the ordinary maintenance, painting, landscaping or repair of an exterior feature that does not involve a change in design, material or external appearance. (Ord. #89-8, §8-5820)

32-72.21 Exemption for Economic Hardship.

- a. The Town Council may declare a designated heritage resource exempt from the requirements of this section if compliance with this section will cause immediate and substantial financial hardship. The owner or owner's representative must present evidence demonstrating the hardship.
- b. The Council shall hold a public hearing before deciding upon an exemption. Notice of the hearing shall be provided as set forth in subsection 32-28.9. If a hardship is found to exist, the Town Council shall make a written finding to that effect, specifying the facts and reasons relied upon. (Ord. #89-8, §8-5821)

32-72.22 Limitations on Applicability.

- a. **Unsafe or Dangerous Conditions.** This section shall not be construed to prevent any measures of construction, alteration, restoration, removal or demolition necessary to correct or abate the unsafe or dangerous condition of an improvement, or part of an improvement, which has been declared unsafe or dangerous by the Planning Department or Fire Marshal. Only such work as is reasonably necessary to correct the unsafe or dangerous condition may be performed under this subsection.
- b. **Removal of Heritage Resource.** If a designated heritage resource is damaged by fire or other calamity or by act of God to such an extent that it cannot reasonably be repaired or restored, it may be removed in conformity with the procedures set forth in this section. (Ord. #89-8, §8-5822)

32-72.23 Enforcement. The Building Officer shall have the authority to implement the enforcement of this section by any of the following means:

- a. Entering an improvement as provided by law for the purposes of investigation and inspection;
- b. Serving notice requiring the removal of any violation of this section upon the owner, agent or occupant of the improvement;
- c. Calling upon the Town Attorney to institute any necessary legal proceeding. (Ord. #89-8, §8-5823)

32-72.24 Violation. A violation of this section is an infraction punishable as set forth in the Municipal Code. (Ord. #89-8, §8-5824)

City of Eureka (1997)

Chapter 157 Historic Preservation

157.01 Definitions. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Alteration. Any modification to the exterior of a structure that would be visible from a public way and for which a building permit is required, other than a demolition.

Appraisal. An appraisal of the fair market value of a property or structure performed by an appraiser selected jointly by the city and the owner of the property or structure being appraised or, if the city and the owner do not agree on a joint selection within 15 days after an appraiser is first proposed, an appraisal performed by an appraiser selected by the owner from a panel of three appraisers nominated by the city.

Demolition. The destruction or removal of a structure, or parts of a structure substantially equivalent to the whole.

Designated Property. Any lot, and any structures on that lot, designated pursuant to §§ 157.04 and 157.05 of this chapter.

District Property. Any lot, and any structures on that lot, which is or are wholly or partly within a preservation district.

Effective Date. The date, inserted by the City Clerk in this section, on which this chapter becomes effective under the Charter; that is, April 19, 1996.

Eligible Property. Each lot, and any structures on that lot, listed in Exhibit A which includes properties listed in "Eureka, An Architectural View," by the Eureka Heritage Society, Inc., and each lot, and any structures on that lot, in a preservation district.

Emergency. A sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services.

Historic Preservation Commission. The Historic Preservation Commission created pursuant to § 157.02 of this chapter.

HPC. The Historic Preservation Commission created pursuant to § 157.02 of this chapter.

Preservation District. Each of the districts described or listed in Exhibit B, and any district within the city which is designated pursuant to §§ 157.04 and 157.05 of this chapter.

Taking. A restriction under this chapter which affects the value or use of a property so severely that the city would be required to compensate the owner of the property under the Fifth Amendment to the U.S. Constitution; Article 1, Section 19 of the California Constitution; or other applicable law. (Ord. 607-C.S., passed 3-19-96)

157.02 Historic Preservation Commission.

- A. There is hereby created an Historic Preservation Commission, which shall consist of the following seven members:
1. The Director of Community Development or the Director's designee;
 2. The Building Inspector or the Inspector's designee; and,
 3. Five other members, who, together with an alternate for each position meeting the same qualifications, shall all be appointed by the Mayor, subject to the approval of the Council. The members, and alternate members shall have demonstrated experience in historic preservation or land use issues, or other qualifications satisfactory b. The terms of the initial five appointed members and initial five alternates shall begin upon Council approval of their respective appointments. Two of the five initial appointed members and the corresponding alternates shall be appointed for terms expiring on December 31 of the first even-numbered year beginning after the year in which their appointments become effective; the remaining three initial appointed members and corresponding alternates shall be appointed for terms expiring on December 31 of the first odd-numbered year beginning after the year in which their appointments become effective. The terms of subsequently appointed members and alternates shall begin on January 1, immediately following expiration of their respective predecessors' terms or upon Council approval of their respective appointments, whichever occurs later, and shall expire on December 31 two years after the expiration of their predecessors' terms.
- B. The Historic Preservation Commission shall select a secretary who may be a member of the city staff. The Board may establish rules and regulations for its own organization, procedure, and meetings.
- C. None of the five appointed members or alternates shall serve more than two consecutive terms. The availability of each position shall be advertised in advance of the expiration of its term and applications for membership shall be accepted by the City Clerk following the advertisement. (Ord. 607-C.S., passed 3-19-96)

157.03 Authority and Responsibilities of Historic Preservation Commission.

- A. In addition to the responsibilities conferred by other provisions of this chapter, the Historic Preservation Commission shall:
1. Review applications to alter or demolish all or part of any structure which is located on a designated property under §§ 157.04 and 157.05 of this chapter.
 2. Adopt maximum times for its historic preservation review, which if exceeded, may be treated as causing automatic HPC approval or HPC disapproval.
- B. The HPC shall, to the extent it deems action appropriate, have the authority to:
1. Negotiate with owners of properties having special characteristics for, and may recommend to the City Council the approval of, contracts to restrict the use of such property and to retain such characteristics.
 2. Establish and maintain a list of structures, other physical features, sites, and areas considered deserving of official recognition although not given regulatory protection. The purposes of the list shall be to recognize the merit of and encourage the protection, enhancement, perpetuation, and use of such structures, other physical features, sites, and area. For these purposes, the Commission may authorize such steps as it deems desirable, including but not limited to the issuance of certificates of recognition and the authorization of plaques.
 3. Carry out or assist studies and programs designed to identify and evaluate structures, other physical features, sites, and areas which are worthy of preservation.
 4. Inspect and investigate structures, other physical features, sites, and areas which may be worthy of preservation.
 5. Consider methods other than those described above for encouraging and achieving preservation of worthy structures, other physical features, sites, and areas, including exploring means of financing the restoration or maintenance thereof.
 6. Make appropriate recommendations on the general subject of preservation to the Planning Commission, City Council, other public and private agencies and bodies, and the general public. (Ord. 607-C.S., passed 3-19-96)

157.04 Initial Designation of Properties and Districts.

- A. Each of the lots on which one or more of the structures identified in Exhibit A is wholly or partly located, and each lot in a preservation district, shall be an eligible property.
- B. Not later than 30 days after the effective date, the Director of Community Development shall notify, by certified U.S. mail, return receipt requested, at least one owner of record on the latest equalized assessment roll for each eligible property. Each such notice may be recorded in the office of the Humboldt County Recorder. Each such notice shall specify that an owner of record may elect, to exclude that owner's eligible property from the alteration and demolition provisions of § 157.07 of this chapter. The notice shall state what date is the last day to elect exclusion, which shall be the date 120 days after the effective date. The notice shall state how the owner may notify the city of an election to exclude the property.
- C. Each eligible property, except those as to which the city receives notice of exclusion pursuant to division (B) of this section shall be a designated property, beginning 120 days after the effective date. (Ord. 607-C.S., passed 3-19-96)

157.05 Designation after Effective Date; Change in Status.

- A.
 - 1. A property shall cease to be a designated property, following application by the owner of record or initiation by the Historic Preservation Commission, and determination either:
 - a. For a designated property which is not a district property, that a change has occurred since the effective date so that on balance the property does not possess sufficient historic or architectural attributes to qualify as a designated property;
 - b. For a district property, that a change has occurred since the effective date so that on balance the property does not possess sufficient historical or architectural attributes to contribute significantly to the character of the preservation district which includes the property; or,
 - c. For any designated property, that a taking would result unless the status of the property is changed.
 - 2. No property shall cease to be a designated property under subdivisions (a) or (b) of this division if that property has applied for and received economic benefits or regulatory relief from the city by virtue of its status as a designated property.
- B. A property which is not a designated property may become a designated property upon application by any person, or initiation by the Historic Preservation Commission, if each of the following conditions is satisfied:
 - 1. If the application is not by the owner of record, the owner of record contents in writing to the designation; and,
 - 2. The property proposed for designation meets guidelines as in effect at the time the designation is considered. Except to the extent modified by the City Council after the effective date, the guidelines shall be those which would apply to eligibility of the property for listing on the National Register of Historic Places.
- C.
 - 1. A district which is not a preservation district may be made a preservation district upon application by any person, or initiation by the Historic Preservation Commission, if each of the following conditions is satisfied:
 - a. The Historic Preservation Commission determines that the district meets guidelines as in effect at the time the designation is considered. Except to the extent modified by the City Council after the effective date, the guidelines shall be those which would apply to eligibility of the district as a historic district on the National Register of Historic Places;
 - b. Notice is given to the owner of each property within the proposed district by taking the actions specified in § 157.04(b) of this chapter, except that notice under this subdivision shall state that an owner of record may elect to approve the district and include the owner's property in the district, shall state what date is the last date to approve and elect inclusion, and shall state how the owner may notify the city of the owner's election; and,
 - c. More than one-half of the properties in the proposed district approve the district and elect inclusion.
 - 2. All lots within such a preservation district shall be designated properties. (Ord. 607-C.S., passed 3-19-96) Penalty, see § 150.999

157.06 Designation, Alteration and Demolition Procedure.

- A. Any application to change the status of a property or district under § 157.05 of this chapter or to alter or demolish a designated property under § 157.07 of this chapter shall be made to the Historic

Preservation Commission, in the form (if any) which that commission requires, and shall include such information and materials as that Commission requires. The Commission may itself initiate a change in status of a property or district.

- B. The Historic Preservation Commission shall hold at least one public hearing on each complete application which is received pursuant to division (A) of this section, and on each change in status of a property or district initiated by the Commission. Notice of the hearing shall be given as follows:
 - 1. Notice of the hearing shall be mailed or delivered at least 10 days prior to the hearing to the owner of each subject property, including all properties within an affected district, or the owner's duly authorized agent, and to the project applicant, if not the owner;
 - 2. Notice of the hearing shall be mailed or delivered at least 10 days prior to the hearing to all owners of real property as shown on the latest equalized assessment roll within 300 feet of the real property or properties that is or are the subject of the hearing. In lieu of utilizing the assessment roll, the local agency may utilize records of the County Assessor or Tax Collector which contain more recent information than the assessment roll; and,
 - 3. The notice shall either be:
 - a. Published in at least one newspaper of general circulation within the city, at least 10 days prior to the hearing; or,
 - b. Posted at least 10 days prior to the hearing in at least three public places within the city, including one public place in the area directly affected by the proceeding.
 - 4. In addition to the notice required by this section, the city may give notice of the hearing in any other manner it deems desirable.
- C. The owner of any affected property or any other person may appeal the decision of the Historic Preservation Commission concerning the status of a property or district to the City Council upon the same terms and conditions as would apply for appeal of a use permit pursuant to § 155.287(A) of this title. Notice of such City Council hearings shall be given and the hearings shall be conducted and decisions rendered pursuant to the rules contained in §§ 155.288, 155.289 and 155.290 of this title. The owner of any affected property or any person residing in, or person or entity doing business in, the city, may appeal the decision of the Historic Preservation Commission concerning a demolition or alteration pursuant to this chapter.
- D. Nothing in this section shall prohibit the immediate demolition of a structure that is deemed to be an eminent threat to life or property as the result of an emergency as defined in this chapter. (Ord. 607-C.S., passed 3-19-96)

157.07 Standards for Alterations and Demolitions.

- A. No structure on an eligible property shall be demolished unless the city shall make one of the following findings, following notice to the extent required by § 157.06 of this chapter and hearing(s) pursuant to this chapter.
 - 1. The property is unsafe or a hazard to the public as a result of an unforeseen event such as a fire or earthquake;
 - 2. Taking into account the potential value to the owner of the property of all available city and other accommodations and incentives (including without limitation transferable development rights, zoning ordinance modifications, alternative building code standards or provisions, loans, grants, reimbursements and tax reductions) either:
 - (a) The current or most recent use of the property is not permitted under the current planning code (except as a nonconforming use) and adaptive reuse is not economically feasible;
 - (b) The adverse impact on the owner of the property is unreasonably large in comparison to the public benefit from denying demolition; or,
 - (c) Denying permission to demolish would result in a taking or would violate state or federal law; or,
 - 3. Demolition must be allowed pursuant to the State Housing Law (Cal. Health and Safety Code §§ 17900 et seq.) or other applicable state or federal law.
- B. Conditions may be imposed on demolition to the extent authorized by any other applicable law or this chapter, including without limitation the following:
 - 1. Documentation may be required of any structure to be demolished and/or for the property;
 - 2. Historic Preservation Review and Historic Preservation Commission approval may be required for any subsequent development at the property;

3. Demolition may be delayed for up to 90 days to allow time to identify a prospective buyer for the property, to identify a third party interested in relocating the affected structure or to allow the city to determine whether to begin eminent domain procedures, and for up to an additional 90 days to allow completion of the purchase or relocation or commencement of a judicial condemnation action if, within the initial 90 days a buyer or third party is identified or the city determines to begin eminent domain procedures. In the case of purchase or relocation by a third party, demolition may be denied where a third party willing and able to purchase the property or relocate the structure within the time established by this subdivision is identified and makes a bona fide offer to purchase the property or structure at fair market value, as determined by appraisal.
 4. With respect to demolition of a structure on a district property, the city shall take into account the importance of an affected structure to the integrity of the district, and may: limit the size of new development to that of the existing structure; require that the scale of new development be harmonious with other structures which contribute to the district's character; require retention or reconstruction of one or more facades; and/or require that any replacement structure be of like kind or quality to the demolished structure and contribute to the integrity of the preservation district.
- C. No structure on an eligible property shall be altered unless the alteration is approved by the city, following notice to the extent required by § 157.06 of this chapter and hearing(s) pursuant to this chapter. The Historic Preservation Commission may adopt guidelines for alterations and review of alteration applications, applicable specifically to designated properties and/or district properties. Except to the extent such guidelines provide differently, a proposed alteration shall be considered in light of its effect on the existing character of the affected structure as it relates to the streetscape. (Ord. 607-C.S., passed 3-19-96) Penalty, see § 150.999
- 157.08 Denial of Permits as Remedy; Declaration as Nuisance; Enforcement by Citizens.
- A. In addition to all penalties otherwise provided by this code or other applicable law, in the event of a demolition in violation of this chapter, building, zoning and/or use permits may be denied for the affected property for a period not to exceed five years.
 - B. Any structure on a designated property which is the subject of an outstanding order to abate a substandard condition pursuant to City Building Code, is hereby declared to be a nuisance. With respect to any such structure, or any structure on a designated property which has been otherwise declared a nuisance under city building regulations. Any person aggrieved by such a nuisance may bring an independent civil action against the owner of the designated property for all appropriate relief, including damages, costs and attorneys' fees. A "person aggrieved" is any person whose quiet use or enjoyment, or ability to rent or successfully conduct lawful activities at another property is interfered with by the substandard or other condition giving rise to a nuisance at the designated property. Every day of such interference is a separate and distinct nuisance. (Ord. 607-C.S., passed 3-19-96) Penalty, see § 150.999

City of Fresno (1999)

Article 4 Historic Preservation Ordinance

13-400 Title. This article shall be known as the Historic Preservation Ordinance of the City of Fresno.

13-401 Intent and Purpose.

- a. The purpose of this article is to continue to preserve, promote and improve the historic resources and districts of the City of Fresno for educational, cultural, economic and general welfare of the public; to continue to protect and review changes to these resources and districts which have a distinctive character or a special historic, architectural, aesthetic or cultural value to this city, state and nation; to continue to safeguard the heritage of this city by preserving and regulating its historic buildings, structures, objects, sites and districts which reflect elements of the city's historic, cultural, social, economic, political and architectural history; to continue to preserve and enhance the environmental quality and safety of these landmarks and districts; to continue to establish, stabilize and improve property values and to foster economic development. It is not the intent of this ordinance to disturb, disrupt or otherwise nullify properties previously designated as Historical Resources or Historical Districts pursuant to the city's previous Historic Preservation Ordinance.
- b. The Council finds that the City of Fresno has played an important role in the development of California and that this history is shown today through archaeological sites and through buildings,

structures, objects, sites and districts representing the commercial, industrial, social, economic, political and architectural development of the city. The Council finds that the distinctive and significant character of the city can only be maintained by protecting and enhancing its historic, architectural, aesthetic and cultural heritage and by preventing unnecessary injury or destruction of its historic resources and districts which are community assets.

- c. The Council finds that this article benefits all of the residents of Fresno and all owners of property and declares as a matter of public policy that the preservation, protection and use of historic resources and districts are a public necessity because of their character and their value as visible reminders of the history and heritage of this city, state and nation. The Council declares as a matter of public policy that this article is required in the interest of the health, prosperity, safety, welfare and economic well-being of the people. The designation and preservation of historic resources and districts and the regulation of alterations, additions, repairs, signs, removal, demolition or new construction to ensure the perpetuation of their historic character is hereby designated to be a public purpose.

13-402 Definitions. Unless the particular provision or the context otherwise requires, the definitions and provisions contained in this section shall govern the construction, meaning and application of words and phrases used in this article, and, except to the extent that a particular word or phrase is otherwise specifically defined in this section, the definitions and provisions contained in Article 3 (commencing with Section 1-301) of Chapter 1 of this Code shall also govern the construction, meaning, and application of words and phrases used in this article. The definition of each word or phrase shall constitute, to the extent applicable, the definition of each word or phrase which is derivative from it, or from which it is a derivative, as the case may be.

- a. "Alteration" shall mean any change or modification requiring a city permit, through public or private action, of any Historic Resource or any property located within an Historic District including, but not limited to: changes to designated interior architectural features; exterior changes to or modification of structural details, architectural details or visual characteristics such as doors, windows, surface materials and texture, grading or surface paving; addition of new structures; cutting or removal of trees, landscaping or other natural features; disturbance of archaeological sites or areas; and the placement or removal of any exterior objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings and landscape accessories affecting the exterior visual qualities of the resource or property.
- b. "Building" shall mean any construction created primarily to shelter any form of human activity.
- c. "California Register of Historical Resources" shall mean the authoritative guide in California to be used by state and local agencies, private groups and citizens to identify the state's historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial change.
- d. "Certified Local Government Program" shall mean the established partnership between the City of Fresno and the State Historic Preservation Office designed to identify, evaluate and protect historic resources within the city and to enable the city to participate in the benefits which result from that partnership.
- e. "Commission" shall mean the Historic Preservation Commission.
- f. "Conservation/District Plan" shall mean the plan adopted after the formation of an Historic District which shall govern the manner in which the preservation objectives of the District will be attained.
- g. "Contributor to a Local Historic District" shall mean an individual Historic Resource which contributes to the significance of a Local Historic District (LHD) under the criteria set forth in this article.
- h. "Contributor to a National Register Historic District" shall mean an individual Historic Resource which contributes to the significance of a National Register Historic District (NRD) under the criteria set forth in this article.
- i. "Cultural" as used in this article shall include traditional cultures including but not limited to Native American or other identifiable ethnic groups.
- j. "Demolition" shall mean the act that destroys in whole or in part a designated Historic Resource.
- k. "Design Review Committee" shall mean an entity created to enforce the Conservation/District Plan for any Local Historic District.
- l. "Exterior Architectural Feature" shall mean the architectural elements embodying style, design, general arrangement and components of all of the outside surfaces of a building, structure or object, including but not limited to the type of building materials and the type and style of all windows, doors, lights, signs and other fixtures appurtenant to such building, structure or object.

- m. "Feasible" shall mean capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors.
- n. "Heritage Property" shall mean a resource which is worthy of preservation because of its historical, architectural or aesthetic merit but which is not proposed for and is not designated as an Historic Resource under this article.
- o. "Historic Resource" shall mean any building, structure, object or site that has been in existence more than fifty years and possesses integrity of location, design, setting, materials, workmanship, feeling and association, and: is associated with events that have made a significant contribution to the broad patterns of our history, or is associated with the lives of persons significant in our past, or embodies the distinctive characteristics of a type, period or method of construction, or represents the work of a master or possesses high artistic values; or has yielded, or may be likely to yield, important information in prehistory or history; and has been designated as such by the Council pursuant to the provisions of this article.
- p. "Interior Architectural Features" shall mean the interior architectural elements and fixtures that have special historical, architectural, cultural or aesthetic interest or values and have been designated as such by the Council pursuant to the provisions of this article.
- q. "Landscaping" shall mean natural and cultural resources including vegetation, natural features, structures, objects, roads or waterways, designed, shaped or modified by human activity. Such landscaping is either recognized as individually significant or identified within a nomination as significant in reference to the primary resource; and has been designated as such by the Council pursuant to the provisions of this article.
- r. "Local Register of Historic Resources" shall mean the inventory of buildings, structures, objects, sites and districts designated by the Council as Historic Resources or Historic Districts pursuant to the provisions of this article.
- s. "Local Historic District" (LHD) shall mean any finite group of resources related to one another in a clearly distinguishable way or any geographically definable area which possesses a significant concentration, linkage or continuity of sites, buildings, structures or objects united historically or aesthetically by plan or physical development. The Local Historic District must be significant as well as identifiable and it must meet Local Register Criteria for listing on that Register.
- t. "National Register of Historic Places" shall mean the official federal list of districts, sites, buildings, structures and objects significant in American history, architecture, engineering and culture as authorized by the National Historic Preservation Act of 1966.
- u. "National Register Historic District" (NRD) shall mean any finite group of resources related to one another in a clearly distinguishable way or any geographically definable area which possesses a significant concentration, linkage or continuity of sites, buildings, structures or objects united historically or aesthetically by plan or physical development. The National Register Historic District must be significant as well as identifiable and it must meet National Register Criteria for listing on that Register.
- v. "Non-contributor" shall mean any building, structure, object or site that does not contribute the significance of the Historic District in which it is located.
- w. "Object" shall mean any construction that is primarily artistic in nature or is relatively small in scale and simply constructed. Although an object may be, by nature or design, movable, it is associated with a specific site or environment, such as fountain or boundary marker.
- x. "Preservation" shall mean the act or process of applying measures to sustain the existing form, integrity and material of an historic property. It may include initial stabilization work, where necessary, as well as ongoing maintenance of the historic building materials.
- y. "Reconstruction" shall mean the act or process of reproducing by new construction the exact form and detail of a vanished building, structure or object, or a part thereof, as it appeared at a specified period of time.
- a. "Regulated Permits" shall mean any permit issued for any work on an Historic Resource or within any Historic District.
- aa. "Rehabilitation" shall mean the act or process of making a compatible use for a property through repair, alterations and additions while preserving those portions or features which convey its historical, cultural or architectural values.

- bb. "Restoration" shall mean the act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.
- cc. "Secretary" shall mean the Director of Housing and Neighborhood Revitalization or his or her designee.
- dd. "Secretary of the Interior's Standards" shall mean the Secretary of the Interior's Standards for the Treatment of Historic Properties published by the U.S. Department of the Interior.
- ee. "Site" shall mean the location of a significant event, a prehistoric or historic occupation or activity where the location itself possesses historic, cultural or archaeological value regardless of the value of any existing structure, including but not limited to a designed landscape or the ruins of a building or structure.
- ff. "Specialist" shall mean the Historic Preservation Specialist serving as staff to the Historic Preservation Commission.
- gg. "Specific Plan Design Review Committee" shall mean the entity created to enforce the Conservation/District Plan for any Local Historic District created as the result of the adoption of a Specific Plan.
- hh. "Stabilization" shall mean the act or process of applying measures designed to reestablish a weather resistant enclosure or the structural stability of an unsafe or deteriorated property while maintaining the essential form as it exists at present.
- ii. "State Historic Building Code" shall mean Title 24, Building Standards, Part 8, California Code of Regulations.
- jj. "Structure" shall mean any construction created for purposes other than creating human shelter, including but not limited to a bridge or water tower.
- kk. "Survey" shall mean historic resource surveys conducted in accordance with Certified Local Government Program and state standards and procedures.
- ll. "Unreasonable Economic Hardship" shall mean facts and circumstances which establish that there are no feasible measures that can be taken which will enable the property owner to make a reasonable beneficial use of the property or derive a reasonable economic return from the property in its current form.

13-403 Staff to the Historic Preservation Commission. To assist the Commission in the performance of its duties, the following staff positions have been established.

- a. Secretary: There is hereby created the position of Secretary to the Commission which shall be filled by the City Manager or his or her designee. The Secretary shall perform those functions required under the provisions of this article or any other applicable provisions of this Code.
- b. Historic Preservation Specialist: Pursuant to the city's Programmatic Agreement with the State Office of Historic Preservation and during the pendency of such Agreement, the position of Historic Preservation Specialist shall be maintained and shall be filled by an individual meeting the Professional Qualifications Standards for Archaeology and Historic Preservation from the Secretary of the Interior's Standards and Guidelines as published in the Code of Federal Regulations, 36 CFR Part 61. The Specialist shall perform those functions required under the provisions of this article or any other applicable provisions of this Code.

13-404 Historic Preservation Commission.

- a. Composition: The Commission shall consist of seven persons having a demonstrated interest, competence or knowledge in historic preservation and, unless otherwise specified in this article, Charter Sections 902, 904 and 905 shall apply. At least two Commission members shall be appointed from among professionals in the disciplines of architecture, history, architectural history, planning, pre-historic and historic archeology, folklore, cultural archaeology, curation, conservation, landscape architecture or related disciplines such as urban planning, American studies, American civilization or cultural geography, to the extent that such professionals are available in the community and are willing to serve on the Commission. Commission members may also include lay persons who have demonstrated special interest, competence, experience or knowledge in historic preservation.
- b. Operation: Commissioners shall be nominated by the Mayor and confirmed by the Council. The Commissioners shall serve four (4) year terms and each shall continue to serve until his or her successor is duly appointed and qualified. Commissioners shall be appointed in such a manner that the terms of not more than four Commissioners shall expire in any year and interim appointments shall be made to fill unexpired terms in the event vacancies occur during terms. The expiration date of

all terms of appointment shall be June 30th. During June of each year, the Commissioners shall elect one Commissioner as Chairperson and one Commissioner as Vice Chairperson. The Secretary and the Specialist shall serve as administrative staff to the Commission.

13-405 Duties and Powers of the Commission.

- a. The primary duties of the Commission shall be:
 1. The identification, designation and preservation of Historic Resources and Historic Districts owned by the city or located within the city limits; and
 2. The regulation of exterior alterations visible from a public right-of-way including demolition, relocation and new construction, and interior alterations which would affect the significance of Historic Resources or Historic Districts.
- b. The Commission shall have the following additional duties and powers:
 1. Conduct studies and evaluations of applications requesting the designation of Historic Districts, make determinations and recommendations as appropriate for consideration of such applications in order to effectuate the purposes of this article.
 2. Adopt specific guidelines for the designation of Historic Resources, Historic Districts and Heritage Properties as it deems necessary to effectuate the purposes of this article.
 3. Maintain a current listing and description of designated Historic Resources, Historic Districts and Heritage Properties and transmit copies and update of such listings to all appropriate city agencies and departments as determined by the Secretary to the Commission.
 4. Develop and recommend the adoption of an Historic Preservation Element for the General Plan of the City of Fresno in accordance with the requirements of the Certified Local Government Program.
 5. Participate in environmental review procedures called for under this article or under the California Environmental Quality Act (CEQA) or under the National Environmental Protection Act (NEPA) by providing review and comments on permit actions affecting designated Historic Resources, Historic Districts and Heritage Properties as the Commission deems appropriate.
 6. Review and comment upon the conduct of land use, housing, redevelopment, municipal improvement and other types of planning and programs undertaken by any agency or department of the city, county or state as they relate to designated Historic Resources, Historic Districts and Heritage Properties as the Commission deems appropriate.
 7. Establish criteria and conduct or cause to be conducted historical resource surveys of properties within the city limits in accordance with state survey standards and procedures; submit completed surveys to the Council for official adoption; and submit adopted surveys to the Office of Historic Preservation for integration into the Historic Property Data File for Fresno County maintained by that office.
 8. Recommend internal procedures to facilitate the use of such adopted historical resource surveys in planning and development processes by all relevant city agencies and departments in accordance with Certified Local Government Program requirements.
 9. Publicize, maintain and periodically update such historical resource surveys in accordance with state survey standards and procedures, including those surveys adopted prior to the award of Certified Local Government status and surveys of new areas annexed or incorporated by the city.
 10. Adopt procedural rules for the systematic review of such historical resource surveys to determine if designation proceedings should be initiated on appropriate sites. Provide for the removal of sites not found qualified for designation from the survey and from the Historic Property Data File for Fresno County maintained by the State Office of Historic Preservation if included therein.
 11. Review and make recommendations on nominations for inclusion in the California Register of Historical Resources and the National Register of Historic Places for local historic resources or districts to the chief elected local official for transmission to the State Office of Historic Preservation in accordance with procedures established by the Certified Local Government Program.
 12. Review and make recommendations on any proceedings under Section 106 of the National Historic Preservation Act pertaining to properties within the city limits and establish programmatic agreements with the State Office of Historic Preservation as the Commission deems appropriate.
 13. Review and make recommendations on historic preservation certification applications for federal tax incentives.

14. Develop and recommend the adoption of historic preservation incentives including but not limited to conditional use permits allowing uses not otherwise permitted by the underlying zoning, Mills Act Contracts, and other programs utilized by other Certified Local Governments.
15. Review and make recommendations on any applications to participate in local historic preservation incentive programs established in order to effectuate the purposes of this article.
16. Prepare an annual report on the activities of the Commission to the State Office of Historic Preservation at the end of each calendar year in accordance with procedures established by the Certified Local Government Program.
17. Ensure that each commissioner attends at least one informational or educational meeting, seminar, workshop or conference per year in accordance with the requirements of the Certified Local Government Program.
18. Perform any other functions consistent with the purposes herein or that may be directed by the Council from time to time.
19. Adopt, promulgate, amend and rescind, from time to time, such rules, guidelines and regulations as the Commission may deem necessary to effectuate the purposes of this article.
20. Provide for a suitable sign, plaque or other marker at public or private expense, on or near the Historic Resource or District (LHD or NRD), indicating that the Resource or District (LHD or NRD) has been so designated. The sign, plaque or other marker shall contain information and data deemed appropriate by the Commission and its placement shall be at the discretion of the owner.
21. Meet not less than once a month at meetings held pursuant to public notice and open to the public.
22. Keep minutes and records of all meetings and proceedings including voting records, attendance, resolutions, findings, determinations and decisions as a matter of public record.
23. Render advice and guidance, upon the request of a property owner or tenant on the financial and physical aspects of the restoration, alteration, rehabilitation, landscaping or maintenance of any Historic Resource, any Contributor to any Historic District (LHD or NRD) or any Heritage Property.
24. Investigate and report to the Council on the use of various federal, state, local or private funding sources and mechanisms available to promote historic resource preservation in the city.
25. Participate in, promote and conduct public information, educational and interpretive programs pertaining to Historic Resources and provide for public participation in all aspects of the city's historic preservation programs.

13-406 Designation Criteria.

- a. Historic Resources: Any building, structure, object or site may be designated as an Historic Resource if it is found by the Commission and Council to meet the following criteria:
 1. It has been in existence more than fifty years and it possesses integrity of location, design, setting, materials, workmanship, feeling and association, and:
 - i. It is associated with events that have made a significant contribution to the broad patterns of our history; or
 - ii. It is associated with the lives of persons significant in our past; or
 - iii. It embodies the distinctive characteristics of a type, period or method of construction, or represents the work of a master, or possesses high artistic values; or
 - iv. It has yielded or may be likely to yield, information important in prehistory or history.
 2. It has been in existence less than fifty years, it meets the criteria of subdivision (1) of subsection (a) of this section and is of exceptional importance within the appropriate historical context, local, state or national.
- b. Local Historic Districts: Any finite group of resources (buildings, structures, objects or sites) may be designated as a Local Historic District if it meets the definition set forth in Section 13-402 (s) of this article, its designation is consented to by the majority of the property owners within the Local Historic District, at least fifty percent of the resources within the proposed Local Historic District are fifty years of age or older, and it is found by the Commission and Council to meet one or more of the following criteria:
 1. It exemplifies or reflects special elements of the city's cultural, social, economic, political, aesthetic, engineering, or architectural heritage, or

2. It is identified with a person or group that contributed significantly to the culture and development of the city, or
 3. It embodies distinctive characteristics of a style, type, period or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship, or
 4. Structures within the area exemplify a particular architectural style or way of life important to the city, or
 5. The area is related to a designated historic resource or district in such a way that its preservation is essential to the integrity of the designated resource or Local Historic District, or
 6. The area has potential for yielding information of archaeological interest.
- c. National Register Historic Districts: The nomination of any finite group of resources (buildings, structures, objects or sites), including any Local Historic District, to the National Register of Historic Places as a National Register Historic District may be recommended under this article if it meets the definition set forth in Section 13-402 (u) of this article, meets the criteria set forth in subsection (a) of this section, and if the nomination is supported by more than fifty percent of the property owners within the proposed National Register Historic District.
 - d. Heritage Properties: Any building, structure, object or site may be designated as a Heritage Property if it is found by the Commission to be worthy of preservation because of its historical, architectural or aesthetic merit.
 - e. Contributors to Historic Districts: Any building, structure, object or site may be designated as Contributor to a Local Historic District or a proposed National Register Historic District if it contributes to the significance of the specific Historic District under the criteria set forth above in this section.

13-407 Designation Process. Buildings, structures, objects, sites and districts may be considered for designation as Historic Resources, Historic Districts or Heritage Properties under this article as set forth in sections 13-407.1, 13-407.2, 13-407.3 and 13-407.4.

13-407.1 Historic Resources.

- a. Requests for Designation: Designation of an Historic Resource may be initiated by the Council, the Commission, the Secretary, the property owner, or an authorized representative of the owner. The application for designation consideration shall be filed with the Specialist, using a form approved by the Secretary and shall include the following information:
 1. The Assessor's Parcel Number for the property containing the building, structure, object or site proposed for designation along with the name and address of the current owner(s) of record and a copy of the deed granting title to the owner(s);
 2. Whether the proposed historic resource takes the form of a building, structure, object or site as same are defined in this article;
 3. A detailed description of the specific building, structure, object or site proposed for designation including but not limited to its dates of construction, significant alterations and architectural style;
 4. The manner in which the proposed building, structure, object or site meets the criteria for designation contained in Section 13-406(a) of this article;
 5. Current photographs of all aspects of the proposed historic resource, supplemented by sketches, drawings or other descriptive materials;
 6. A description of the physical condition and appearance of the proposed historic resource;
 7. If the designation proposal is not being submitted by the owner, a statement acknowledging whether the owner has consented to submission of the proposal, is in opposition to the submission or has declined to state a position on the issue, however, this language shall not be interpreted as requiring owner consent to the designation of an individual resource under this section;
 8. Completed California Department of Parks and Recreation Primary Record and Building, Structure and Object forms for the proposed historic resource; and
 9. Any other information determined necessary by the Specialist to be required for a complete and adequate application.
- b. Procedural requirements in advance of hearing:
 1. The application and supporting information shall be reviewed by the Specialist for adequacy and completeness under the requirements of this section. A hearing on the application will be scheduled within 45 days of the date the Specialist determines that the application is adequate and complete or as soon thereafter as is practicable.

2. Notice of the time, place and purpose of such hearing will be mailed to the owner of the property proposed for designation at the address shown on the latest assessment roll and published once in a local newspaper of general circulation not less than ten (10) days prior to the date of the hearing. The Secretary may also give such additional notices as he or she deems desirable and practicable.
3. The property owner and/or any authorized representative shall be prohibited from undertaking any alteration, construction, grading, demolition or removal of such property, and no permit to undertake such work shall be issued by the city for 90 days from the date the Specialist mails the initial notice of hearing to determine historic resource designation to the property owner and/or any authorized representative. If no final action has been taken as to the historic resource designation within the 90 day period, said restrictions shall be removed unless the Commission, with the consent of the property owner and/or any authorized representative, elects to continue its consideration of the property for historic resource designation. If the Commission, with the consent of the owner and/or any authorized representative, makes such an election, said restrictions shall remain against the property until final action and the Specialist shall notify the appropriate city officials of said restrictions. Nothing in this provision shall be construed as a prohibition or infringement on the legal use of a property pending consideration by the Commission.

The provisions of this section shall not apply to the construction, grading, alteration, demolition or removal of any structure or other feature, where a permit for the performance of such work was issued prior to the date of notice of hearing to consider the designation of the historic resource, and where such permit has not expired or been canceled or revoked, provided that construction is started and diligently pursued to completion in accordance with the Building Code.

Prior to the Commission's hearing on the designation of the property, upon application by the property owner and/or any authorized representative, the Specialist may approve a permit for alterations, construction or reconstruction consistent with the ordinary maintenance and repair of the property, to the extent that such work does not adversely affect the exterior architectural features of the property.

4. The Specialist shall prepare a staff report for the Commission which shall also be mailed to the owner of the property and/or any authorized representative with the above-described notice of hearing.
- c. Commission Hearing:
1. The Commission shall review all materials prepared and submitted and only members of the Commission who have physically visited and seen the proposed property may vote on the designation recommendation.
 2. At the conclusion of the hearing, the Commission shall recommend to the Council approval, disapproval or modification of the proposal for designation and make findings in support of that recommendation; or the Commission may continue the hearing.
 3. An affirmative roll call vote of a majority of the authorized membership of the Commission is required for a recommendation to the City Council.
 4. Within ten (10) days of the final Commission action, the Secretary shall send a copy of the recommendation, findings and all submitted materials to the City Clerk. The City Clerk shall place on the agenda of the Council the Commission's recommendation for Council consideration. The owner of the property shall thereafter be given notice of the time and place of the Council hearing at least ten days prior to the hearing date, together with a copy of the Commission's recommendation, findings and submitted materials to the Council.

13-407.2 Local Historic Districts.

- a. Requests for Designation: Designation of a Local Historic District may be initiated by the Council, the Commission, or property owners within the proposed District and shall consist of an initial, preliminary submission and, if recommended by the Commission, a subsequent, formal submission.
- b. Initial Application: The initial application shall be filed with the Specialist using the form(s) approved by the Secretary and shall include the following information:
 1. Proposed District Boundaries.
 2. A Statement of how the proposed Local Historic District meets the Designation Criteria of Section 13-406 (b) of this article.

The initial application shall be the subject of a staff report and will be scheduled for a determination by the Commission as to whether the initial application should proceed to a formal application. If the Commission so recommends, a formal application shall be developed and submitted for Commission consideration at a future meeting. If the Commission does not so recommend, no further action shall be taken with respect to the proposed Local Historic District.

- c. Formal Application: The formal application for Local Historic District designation consideration must be consented to by a majority of the property owners within the proposed district. For purposes of determining whether a majority of property owners have consented, each property owner is entitled to one vote. Owners of more than one property within the proposed district are entitled to one vote per property and multiple owners of a single property are collectively entitled to one vote. The formal application shall be filed with the Specialist using the form(s) approved by the Secretary and shall include the following information:
 1. A clearly defined and explained boundary for the proposed district shown on an Assessor's Map or Maps.
 2. A concise description of the general physical or historical elements (buildings, structures, objects and sites) and qualities which make this area a Local Historic District with a description of building types, architectural styles and periods represented in the proposed district.
 3. A concise statement that clearly documents why the proposed district has significance (areas of significance that reflect the proposed district's historic importance), the period of time for which it is significant, why it substantially meets Local Historic District criteria for listing as set forth in section 13-406(b) above and, if applicable, why it substantially meets National Register Historic District criteria for listing as set forth in section 13-406(c) above.
 4. A definition of what types of buildings contribute and do not contribute to the significance of the proposed Local Historic District as well as an estimate of the percentage of buildings within the proposed district that do not contribute to its significance.
 5. A map illustrating all buildings in the proposed district with an identification of contributing and non-contributing resources.
 6. Photographs of streetscapes in the proposed district and the contributing and non-contributing resources.
 7. Completed Department of Parks and Recreation forms for each building, structure, object or site within the proposed Local Historic District which also identify the potential contributors and non-contributors to the district.
 8. Whether the application is seeking the designation of a Local Historic District (and thereafter the nomination of a National Register Historic District) or only the designation of a Local Historic District.
 9. The signed property owners' consent form which shall clearly indicate the name, district property address, district property parcel number and mailing address of each consenting property owner.
 10. A draft council resolution for Local Historic District designation.
- d. Procedural Requirements in advance of Hearing:
 1. The formal application and all supporting information shall be reviewed by the Specialist for adequacy and completeness under the requirements of this section. The Specialist shall be responsible for determining whether the formal application has been consented to by a majority of the property owners within the proposed district as required by this article. A hearing on the application will be scheduled within 45 days of the date the Specialist determines that the application is adequate and complete or as soon thereafter as is practicable.
 2. A copy of the formal application and notice of the time, place and purpose of such hearing will be mailed to the owners of all properties included within the district proposed for designation at the addresses shown on the latest assessment roll and published once in a local newspaper of general circulation not less than ten (10) days prior to the date of the hearing. The Secretary may also give such additional notices as he or she deems desirable and practicable.
 3. No permit shall be issued by the city for the undertaking of any alteration, construction, grading, demolition or removal of any property within a proposed historic district and all property owners and/or their representatives shall be prohibited from undertaking any such work for 90 days from the date the Specialist mails the initial notice of hearing to determine Local Historic District designation to the property owners and/or their authorized representatives. If no final action has been taken as to the proposed Local Historic District designation within the 90 day period, said

restrictions shall be removed, unless the Commission, with the consent of the property owners and/or their authorized representatives, elects to continue its consideration of the Local Historic District designation. If the Commission, with the consent of the property owners and/or their authorized representatives, makes such an election, said restrictions shall remain against the properties in the proposed Local Historic District until final action and the Specialist shall notify appropriate city officials of said restrictions. Nothing in this provision shall be construed as a prohibition or infringement on the legal use of properties within the proposed historic district pending consideration by the Commission.

The provisions of this section shall not apply to the construction, grading, alteration, demolition or removal of any structure or other feature, where a permit for the performance of such work was issued prior to the date of notice of hearing to consider the designation of the Local Historic District, and where such permit has not expired or been canceled or revoked, provided that construction is started and diligently pursued to completion in accordance with the Building Code. Prior to the Commission's hearing on the designation of the Local Historic District, the provisions of this section shall not apply to permits for alterations, construction or reconstruction consistent with the ordinary maintenance and repair of a property, as defined in Attachment A to the June 1997 Programmatic Agreement among the city, the Advisory Council on Historic Preservation and the State Office of Historic Preservation. Upon application by any property owner or authorized representative, the Specialist shall approve such permits for alterations, construction or reconstruction to the extent that the proposed work is consistent with Attachment A and does not adversely affect the exterior architectural features of the property.

4. The Specialist shall prepare a staff report for the Commission which shall also be mailed to the owners of all properties within the proposed Local Historic District with the above-described notice of hearing.
- e. Commission Hearing:
 1. The Commission shall review all materials prepared and submitted and only members of the Commission who have physically visited and seen the proposed Local Historic District may vote on the designation recommendation.
 2. Any property owner or his or her representative may make a presentation to the Commission on the issue of whether his or her property should be considered as a contributor or non-contributor to the proposed district and on the issue of whether or not the district should be formed.
 3. At the conclusion of the hearing, the Commission shall recommend to the Council approval, disapproval or modification of the proposal for Local Historic District designation; make findings in support of that recommendation; make findings on issues or concerns raised by any individual property owner; identify any property owner objecting to the inclusion of their property within the district; or the Commission may continue the hearing.
 4. An affirmative roll call vote of a majority of the authorized membership of the Commission is required for a recommendation to the Council.
 5. Within ten (10) days of the final Commission action, the Secretary shall send a copy of the recommendation, findings and all submitted materials to the City Clerk. The City Clerk shall place on the agenda of the Council the Commission's recommendation for Council consideration. The owners and/or authorized representatives of all of the properties within the proposed Local Historic District boundaries shall thereafter be given notice of the time and place of the Council hearing at least ten days prior to the hearing date, together with a copy of the Commission's recommendation, findings and submitted materials to the Council.
- f. Adoption of a Conservation/District Plan. After the declaration of any Historic District by the Council pursuant to section 13-408 of this article, the applicant shall have 90 days to develop a Conservation/District Plan which will set forth the manner in which the preservation objectives of the Local Historic District will be met. Prior to approval of the Plan by the Commission, design review in other than Specific Plan areas shall be conducted by the Commission. The Plan must include but is not limited to:
 1. A statement of significance which includes a description of contributing resources and significant elements.
 2. The goals and objectives of the proposed district.
 3. The means by which conservation objectives will be enforced:

- i. A proposed Design Review Committee with all conditions for formation, membership and operations specified;
 - ii. The Historic Preservation Commission serving as the Design Review Committee for the Local Historic District; or
 - iii. A Specific Plan Design Review Committee with all conditions for formation, membership and operations specified.
4. Identification of the standards and guidelines which will be applied to design review within the district.
 5. The activities regulated by the Conservation/ District Plan which shall exclude activities determined exempt under this article.
 6. The public education/outreach program to be conducted by the Conservation/District Plan.
 7. The provision of an annual report to the Commission on compliance with and implementation of the Conservation/District Plan.

13-407.3 National Register Historic Districts.

- a. Requests for Recommendation: Recommendation of a designated Local Historic District to the National Register of Historic Places, as a National Register Historic District, may be requested by more than fifty (50) percent of the property owners within such Historic District or the Commission or Council.
- b. Procedural Requirements in advance of Hearing:
 1. The recommendation application and all supporting information shall be reviewed by the Specialist for adequacy and completeness under the requirements of this article and the National Register of Historic Places. A hearing on the recommendation will be scheduled within 45 days of the date that the Specialist determines that the application is adequate and complete or as soon thereafter as is practicable.
 2. Notice of the time, place and purpose of such hearing will be mailed to the owners of all properties included within the designated Local Historic District proposed for recommendation as a National Register Historic District at the addresses shown on the latest assessment roll and published once in a local newspaper of general circulation not less than ten (10) days prior to the date of the hearing. The Secretary may also give such additional notices as he or she deems desirable and practicable.
 3. The Specialist shall prepare a staff report for the Commission addressing the consequences and procedural requirements of listing the Local Historic District on the National Register of Historic Places as a National Register Historic District which shall also be mailed to the owners of all properties within the proposed National Register Historic District with the above described notice of hearing.
- c. Commission Hearing
 1. The Commission shall review all materials prepared and submitted and only members of the Commission who have physically visited and seen the proposed National Register Historic District may vote on the District recommendation.
 2. At the conclusion of the hearing, the Commission shall recommend to the chief elected local official and Council approval, disapproval or modification of the proposal for the National Register Historic District and make findings in support of that recommendation; or the Commission may continue the hearing.
 3. An affirmative roll call vote of a majority of the authorized membership of the Commission is required for a recommendation to the chief elected local official and Council.
 4. Within ten (10) days of the final Commission action, the Secretary shall send a copy of the recommendation, findings and all submitted materials to the chief elected local official and the City Clerk. The City Clerk shall place on the agenda of the Council the Commission's recommendation for Council consideration.
The owners of all properties within the proposed National Register Historic District boundaries shall thereafter be given notice of the time and place of the Council hearing at least ten days prior to the hearing date, together with a copy of the Commission's recommendation, findings and submitted materials to the Council.

13-407.4 Heritage Properties.

- a. Requests for Designation: Designation of a Heritage Property may only be initiated by the property owner or an authorized representative of the owner. The application for Heritage Property designation

consideration shall be filed with the Specialist, using a form approved by the Secretary and shall include the following information:

1. The Assessor's parcel number for the property containing the building, structure, object or site proposed for designation along with the name and address of the current owner(s) of record;
 2. Whether the proposed resource takes the form of a building, structure, object or site as same are defined in this article;
 3. A detailed description of the specific building, structure, object or site proposed for designation including its dates of construction and significant alterations and its architectural style;
 4. The manner in which the proposed building, structure, object or site meets the definition of a Heritage Property contained in Section 13-402 (n) of this article;
 5. Current photographs of all aspects of the proposed Heritage Property, supplemented by sketches, drawings or other descriptive materials;
 6. A description of the physical condition and appearance of the proposed Heritage Property;
 7. The applicant's objectives in seeking Heritage Property designation; and
 8. Any other information determined necessary by the Specialist to be required for a complete and adequate application.
- b. Procedural requirements in advance of hearing:
1. The application and supporting information shall be reviewed by the Specialist for adequacy and completeness under the requirements of this section. A hearing on the application will be scheduled within 45 days of the date the Specialist determines that the application is adequate and complete or as soon thereafter as is practicable.
 2. Notice of the time, place and purpose of such hearing will be mailed to the owner of the property proposed for designation at the address shown on the latest assessment roll. The Secretary may also give such additional notices as he or she deems desirable and practicable.
 3. The Specialist shall prepare a staff report for the Commission which shall also be mailed to the owner of the property with the above-described notice of the hearing.
- c. Commission Hearing:
1. The Commission shall review all materials prepared and submitted and only members of the Commission who have physically visited and seen the proposed property may vote on the Heritage Property designation recommendation.
 2. At the conclusion of the hearing, the Commission shall approve, disapprove or modify the proposal for Heritage Property designation by an affirmative roll call vote of a majority of the Commissioners present.
- d. The owner or their authorized representative may amend or rescind the designation of a Heritage Property in the same manner and procedure as was followed in the original designation.
- 13-408 Adoption by Council.
- a. The sole authority to declare Historic Resources or Historic Districts and to endorse Local Historic Districts to the National Register of Historic Places shall be vested in the Council and shall be exercised only after completion of the Commission's responsibilities under the designation process set forth above in section 13-407.
- b. Within thirty days following receipt by the City Clerk of the Commission's recommendations or as soon thereafter as is practicable, a hearing shall be set by the Clerk and held by the Council. Following such hearing, the Council shall adopt, modify or reject the designation recommended by the Commission and, in the instance of a district designation, make findings as to which properties shall be considered contributors and non-contributors to the district. In the alternative, the Council may continue its consideration of the matter, or, in the event that new information is presented, refer the proposed designation to the Commission for further hearings, consideration or study within a period of time designated by Council. Adoption of the designation shall be made by resolution which shall contain findings of fact as specified in Section 13-406.
- c. Within ten days of the Council's designation decision, notice thereof shall be mailed by the Secretary to the owner of record of each property proposed for designation at the address shown on the latest assessment roll and to such other persons that the Secretary may deem appropriate, and shall be recorded with the County Recorder. Such notice shall include the basis for any historical designation, a summary of the regulations which result from such designation and a copy of project activities which are exempt from regulation under this article.

- d. No proposal for designation once considered and disapproved by the Council shall be reconsidered except upon the affirmative vote of four Council members. Any decision to reconsider shall be treated as a new proposal for designation pursuant to Sections 13-407.1, 13-407.2, 13-407.3 or 13-407.4 of this article.

13-409 Amendment or Rescission of Decision of Designation. The Historic Preservation Commission may amend or rescind any designation of an Historic Resource, an Historic District, a contributor to an Historic District or a non-contributor to an Historic District in the same manner and procedure as was followed in the original designation. This action shall result from new information, the discovery of earlier misinformation or change of original circumstances, conditions or factors which justified the designation of the Resource or District.

13-410 Local Register of Historic Resources. Resolutions adopting designations of Historic Resources and Local Historic Districts shall collectively be known as the Local Register of Historic Resources. The local register shall be kept on file with the Secretary, who shall transmit copies to the City Clerk, and to the Development Director, the Public Works Director, the Fire Chief, the Chief of Police, the Director of the Fresno City and County Historical Society, and the main branch of the Fresno County Library.

13-411 Deletion of Demolished, Relocated or Rescinded Designated Historic Resources. When a designated Historic Resource has been demolished or relocated outside the city limits or when its designation has been rescinded pursuant to the provisions of this article, the Secretary, upon notice thereof, shall cause such resource to be deleted from the Local Register of Historic Resources and from the Historic Property Data File for Fresno County maintained by the State Office of Historic Preservation. The Secretary shall also cause a Rescission of Designation to be recorded with the County Recorder. Upon such deletions and such rescission, the provisions of this article shall not be deemed to encumber or otherwise restrict the use of such property.

13-412 Historic Resource Permit Review Process.

- a. It shall be unlawful for any person, corporation, association, partnership or other legal entity to directly or indirectly alter, remodel, demolish, grade, remove, construct, reconstruct or restore any Historic Resource without first obtaining a city permit and the written approval of the Historic Preservation Commission.
- b. Upon receipt of an application or proposal for a demolition, grading, removal or building permit for any Historic Resource, the city department or agency receiving same shall, within five (5) calendar days, notify the Secretary and forward said permit application or proposal and accompanying documentation to the Secretary and shall not process the application or proposal without the authorization of the Specialist. The Specialist may approve, in the name of the Commission, non-substantial alterations to the Historic Resource based on the application presented.
- c. Any application or proposal which proposes the substantial alteration of an Historic Resource shall also be referred to the Director of the Development Department for environmental review. No hearing shall be held by the Commission for applications or proposals to demolish, grade, remove or substantially alter the Historic Resource until such application or proposal has undergone environmental review in accordance with the California Environmental Quality Act.
- d. Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in or on any Historic Resource covered by this article that does not involve a change in design, materials or external appearance.
- e. Nothing in this section shall be construed to prevent the Director of the Development Department from issuing a building permit if he or she determines that demolition, removal or substantial alteration of the Historic Resource is immediately necessary to protect the public health, safety or general welfare.
- f. Upon completion of any required environmental review and thirty (30) calendar days prior to a scheduled hearing, the owner or applicant shall provide whatever detailed information (plans, drawings, agreements, etc.) is required or necessary to describe the intended work. The Specialist may require additional information determined to be necessary for the Commission to act on the matter. The Specialist shall refer the matter to the Commission with a report and recommendation which is accompanied by the final environmental document.
- g. After consideration of the final environmental document, all evidence and testimony, the Commission shall have the authority to approve, deny or approve with modifications, any application or proposal.
- h. No application or proposal shall be approved or approved with modifications unless the Commission makes the following findings:

1. The proposed work is found to be consistent with the purposes of this article and the Secretary of the Interior's Standards, not detrimental to the special historical, architectural or aesthetic interest or value of the Historic Resource; or
 2. The action proposed is necessary to correct an unsafe or dangerous condition on the property; or
 3. Denial of the application will result in unreasonable economic hardship to the owner. In order to approve the application, the Commission must find facts and circumstances, not of the applicant's own making, which establish that there are no feasible measures that can be taken that will enable the property owner to make a reasonable economic beneficial use of the property or derive a reasonable economic return from the property in its current form; or
 4. The site is required for a public use which will directly benefit the public health, safety and welfare and will be of more benefit to the public than the Historic Resource.
 5. For applications for relocation of an Historic Resource, the Commission shall find that one or more of the above conditions exist, that relocation will not destroy the historical, architectural or aesthetic value of the Resource and that the relocation is part of a definitive series of actions which will assure the preservation of the Resource.
- i. Any finding that denial of the application or proposal will result unreasonable economic hardship to the owner, pursuant to Section 13-412(h)(3) above, may be based upon the application of the following factors:
1. Any economic feasibility analysis conducted pursuant to this section shall include the determination of an after-rehabilitation value of the property calculated on an income approach utilizing the capitalization rate determined appropriate by the Director of the Development Department. This after-rehabilitation value shall be determined in the following manner:
 - i. The potential residential or commercial rental rate(s) which could be generated by the property after an appropriate rehabilitation shall be determined by a review of current market rates for comparable properties within comparable neighborhoods.
 - ii. The potential annual net income that could be generated by the property after an appropriate rehabilitation, taking into consideration standard vacancy and expense factors, shall be determined.
 - iii. The appropriate capitalization rate shall be applied to the potential annual net income to determine the after-rehabilitation value of the property.
 2. The fair market value of the land, exclusive of improvements and without development restrictions pursuant to this ordinance, shall be determined by a standard appraisal.
 3. The monetary cost of an appropriate rehabilitation of the resource, in accordance with the standards of this ordinance, shall be determined by professionals qualified to make such a determination.
 4. If the fair market value of the land, combined with the costs of rehabilitation, exceed the after-rehabilitation value of the property by more than twenty percent, the Commission shall find that denial of the application will result in an unreasonable economic hardship to the owner.
- j. If the Commission determines a permit should not be issued for the demolition, alteration, relocation or new construction, or the Council on appeal concurs, a new application affecting the same property may be submitted during the twelve (12) month period after the disapproval only if a substantial change is made in the plans for the project.
- k. The Specialist shall give written notice of the decision regarding the regulated permit to the property owner/applicant and to the Director of the Development Department. The notice shall contain the Commission's findings in support thereof.

13-413 Historic District Permit Review Process.

- a. It shall be unlawful for any person, corporation, association, partnership or other legal entity to directly or indirectly alter, remodel, demolish, grade, remove, construct, reconstruct or restore any property within any Historic District without first obtaining a city permit, review by the appropriate Design Review Committee and the written approval of the Historic Preservation Commission.
- b. Upon receipt of an application or proposal for a demolition, grading, removal or building permit for any property within any Historic District, the city department or agency receiving same shall, within five (5) calendar days, notify the Secretary and forward said permit application or proposal and accompanying documentation to the Secretary and shall not process the permit or proposal without the authorization of the Specialist. The Specialist may approve, in the name of the Commission, non-substantial alterations to the property based on the application presented.

- c. Any application which proposes the substantial alteration of any property within any Historic District shall also be referred to the Director of the Development Department for environmental review. No hearing shall be held by the Commission for applications which propose to demolish, grade, remove or substantially alter a property within any Historic District until such proposal has undergone environmental review in accordance with the California Environmental Quality Act.
- d. Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in or on any property covered by this article that does not involve a change in design, materials or external appearance.
- e. Nothing in this section shall be construed to prevent the Director of the Development Department from issuing a building permit if he or she determines that demolition, removal or substantial alteration of a property within any Historic District is immediately necessary to protect the public health, safety or general welfare.
- f. Upon completion of any required environmental review and thirty (30) calendar days prior to a scheduled hearing, the owner or applicant shall provide whatever detailed information (plans, drawings, agreements, etc.) is required or necessary to describe the intended work. The Specialist may require additional information determined to be necessary for the Commission to act on the matter. The Specialist shall refer the matter to the Commission with a report and recommendation which is accompanied by the final environmental document.
- g. After consideration of the final environmental document, all evidence and testimony, the Commission shall have the authority to approve, deny or approve with modifications, any proposed application or permit application.
- h. No application shall be approved or approved with modifications unless the Commission makes the following findings:
 - 1. For a Contributor to any Historic District, the proposed work is found to be consistent with the general purposes of this article and the Secretary of the Interior's Standards, not detrimental to the special historical, architectural or aesthetic interest or value of the Contributor or the respective Historic District in general and consistent with the District's adopted design standards; or
 - 2. For a Non-Contributor to any Historic District, the proposed work is found not detrimental to the historical or architectural values of the respective Historic District in general and consistent with the District's adopted design standards; or
 - 3. For new in-fill construction within any Historic District, the proposed work is found not detrimental to the historical or architectural values of the respective Historic District in general and consistent with the District's adopted design standards; or
 - 4. The action proposed is necessary to correct an unsafe or dangerous condition on the property; or
 - 5. Denial of the application will result in unreasonable economic hardship to the owner. In order to approve the application, the Commission must find facts and circumstances, not of the applicant's own making, which establish that there are no feasible measures that can be taken that will enable the property owner to make a reasonable economic beneficial use of the property or derive a reasonable economic return from the property in its current form; or
 - 6. The site is required for a public use which will directly benefit the public health, safety and welfare and will be of more benefit to the public than the Contributor to the respective Historic District.
 - 7. For applications for relocation of a Contributor from any Historic District, the Commission shall find that one or more of the above conditions exist, that relocation will not destroy the historical, architectural or aesthetic value of the resource and that the relocation is part of a definitive series of actions which will assure the preservation of the resource.
- i. Any finding that denial of the permit application will result in unreasonable economic hardship to the owner, pursuant to Section 13-413(h)(5) above, may be based upon the application of the following factors:
 - 1. Any economic feasibility analysis conducted pursuant to this section shall include the determination of an after-rehabilitation value of the property calculated on an income approach utilizing the capitalization rate determined appropriate by the Director of the Development Department. This after-rehabilitation value shall be determined in the following manner:
 - i. The potential residential or commercial rental rate(s) which could be generated by the property after an appropriate rehabilitation shall be determined by a review of current market rates for comparable properties within comparable neighborhoods.

- ii. The potential annual net income that could be generated by the property after an appropriate rehabilitation, taking into consideration standard vacancy and expense factors, shall be determined.
 - iii. The appropriate capitalization rate shall be applied to the potential annual net income to determine the after-rehabilitation value of the property.
- 2. The fair market value of the land, exclusive of improvements and without development restrictions pursuant to this ordinance, shall be determined by a standard appraisal.
- 3. The monetary cost of an appropriate rehabilitation of the resource, in accordance with the standards of this ordinance, shall be determined by professionals qualified to make such a determination.
- 4. If the fair market value of the land, combined with the costs of rehabilitation, exceed the after-rehabilitation value of the property by more than twenty percent, the Commission shall find that denial of the application will result in an unreasonable economic hardship to the owner.
- j. A decision relating to the approval with modifications or disapproval of an application for any permit may be appealed pursuant to section 13-415 of this article.
- k. If the Commission determines a permit should not be issued for the demolition, alteration, relocation or new construction, or the City Council on appeal concurs, a new application affecting the same property may be submitted during the twelve (12) month period after the disapproval only if a substantial change is made in the plans for the project.
- l. The Specialist shall give written notice of the decision regarding the regulated permit to the property owner/applicant and to the Director of the Development Department. The notice shall contain the Commission's findings in support thereof.

13-414 Heritage Property Permit Review Process.

- a. It shall be unlawful for any person, corporation, association, partnership or other legal entity to directly or indirectly alter, remodel, demolish, grade, remove, construct, reconstruct or restore the Heritage Property without first obtaining a city permit and the written approval of the Historic Preservation Commission.
- b. Upon receipt of an application or proposal for a demolition, grading, removal or building permit for a Heritage Property, the city department or agency receiving same shall, within five (5) calendar days, notify the Secretary and forward said permit application or proposal and accompanying documentation to the Specialist and shall not process the permit or proposal without the authorization of the Specialist. The Specialist may approve, in the name of the Commission, non-substantial alterations to the Heritage Property based on the application presented.
- c. Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in or on any property covered by this section that does not involve a change in design, materials or external appearance.
- d. Nothing in this section shall be construed to prevent the Director of Development from issuing the appropriate permit if he or she determines that demolition, removal or substantial alteration of the Heritage Property is immediately necessary to protect the public health, safety or general welfare.
- e. The State Historical Building Code may be used, in conjunction with any other applicable codes, for any rehabilitation and/or improvements to the Heritage Property as deemed appropriate by the Director of Development.
- f. The Heritage Property may be brought before the Commission for designation as a Historic Resource in accordance with the provisions of Section 13-407.1 of this article and, if so designated, the property shall thereafter be subject to all provisions pertaining to designated Historic Resources under this article.

13-415 Appeal Procedure.

- a. Any decision relating to the approval with modifications or disapproval of an application for any permit pursuant to Sections 13-412 and 13-413 may be appealed to the Council by the property owner not later than twenty (20) days following service by mail by the Specialist of the notice of decision and findings on the property owner. Service shall be deemed complete on the date of mailing. Such appeal shall be taken by filing a notice of appeal in duplicate, in the following format, with the Secretary who shall forthwith transmit to the City Clerk all papers and documents on file with the Secretary relating to the appeal:
 - 1. A caption reading "Appeal of ____" giving the name and address of the applicant;
 - 2. A brief description of the specific order, decision or determination being appealed;

3. A statement of the relief sought;
 4. The reasons why such relief should be granted.
- b. The City Clerk shall cause the appeal to be set for hearing before the Council within thirty days of receipt of the notice of appeal. Not later than ten days prior to the date of the hearing on the appeal, the City Clerk shall notify the appellant and all persons requesting such information in writing, of the date, time and location of the appeal.
- c. Following consideration of the appeal, the Council may approve, disapprove or approve with modifications the application, or may refer the appeal to the Commission for further consideration.
- 13-416 Finality of Decision. Any decision of the Council under this article shall be final. Any decision of the Commission under sections 13-412 or 13-413 of this article shall become final if no appeal is taken from such order or decision within the time limits prescribed by the applicable appeal provision of this article. No permit regulated by the provisions of this article shall issue, nor shall any rights vest therein, until the decision of the Commission is final or any appeal therefrom is disposed of in the manner prescribed by this article.

13-417 Substandard Buildings.

- a. The Director of Development or the Fire Marshal shall notify the Secretary whenever such official declares an Historic Resource or any property within an Historic District to be a substandard or unsafe building or structure pursuant to the Fresno Municipal Code, state or federal law.
- b. Upon receipt of notice from the Director of Development or the Fire Marshal, the Commission shall evaluate the historic and architectural merit of the Resource or property, and shall submit an advisory report to the Director of Development or Fire Marshal within thirty (30) days.

13-418 Advice and Guidance to Property Owners. The Commission may render advice and guidance with respect to any proposed work not requiring a city permit on any designated Historic Resource or any property within any Historic District.

Examples of work referred to above are: Painting and repainting of exterior surfaces; fencing; landscaping; and, installation of lighting fixtures. In rendering such advice and guidance, the Commission shall be guided by the purposes and standards of this article.

13-419 Property Owned by Public Agencies. The Commission shall take appropriate steps to notify all public agencies and public utilities which own or may acquire property, including easements and public rights-of-way, in the city about the existence and character of designated Historic Resources and Historic Districts, and the Commission shall cause a current record of such Resources and Districts to be maintained with each such public agency and public utility. All such designated Resources and Districts shall be subject to the provisions of this article regardless of ownership.

In the case of publicly owned properties which are not subject to the permit review procedures of the city, including this article, but are more than fifty (50) years of age or are located within any Historic District, the agency owning the said property is encouraged to seek the advice of the Commission prior to approval or authorization of any construction, alteration, or demolition thereon, including the use and placement of street furniture, signs, lighting, and landscaping; and, the Commission shall render a report to the owner as expeditiously as possible, based on the purposes and standards in this article. If Commission review of a public project involving construction, alteration, or demolition of any building, structure, object or site is required under any other law, the Commission may render the report referred to in this section to such public agencies without specific request therefor.

13-420 Fire and Building Code. Issuance of a permit in conformance with this article shall not alter conformance requirements with the other standards and requirements of this chapter. The Director of Development and the Fire Marshal shall liberally construe and apply all pertinent codes, including the State Historical Building Code and the Uniform Building Conservation Code so as to effectuate the purposes of this article.

13-421 Minimum Maintenance.

- a. All designated Historic Resources including Contributors to any Historic District shall be preserved against decay and deterioration, kept in a state of good repair and free from structural defects. The purpose of this section is to prevent an owner or other person having legal custody and control over a property from facilitating demolition of a Historic Resource by neglecting it and by permitting damage to it by weather and vandalism.
- b. Consistent with all other state and city codes requiring that buildings and structures be kept in good repair, the owner or other person having legal custody and control of a property shall repair such building or structure if it is found to have any of the following defects:

1. Building elements so attached that they may fall and injure members of the public or property.
 2. Deteriorated or inadequate foundation.
 3. Defective or deteriorated flooring.
 4. Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration.
 5. Members of ceilings, roofs, ceiling or roof supports or other horizontal members which sag, split or buckle due to defective materials or deterioration.
 6. Fireplaces or chimneys which list, bulge or settle due to defective material or deterioration.
 7. Deteriorated, crumbling or loose exterior plaster.
 8. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors.
 9. Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other protective covering.
 10. Any fault, defect or deterioration in the building which renders it structurally unsafe or not properly watertight.
- c. If the Commission has reason to believe that a Resource is being neglected and subject to damage from weather or vandalism, the Commission shall direct staff to meet with the owner or other person having legal custody and control of the Resource and to discuss with them the ways to improve the condition of the property. If no attempt or insufficient effort is made to correct any noted conditions thereafter, the Commission may, at a noticed public hearing, make a formal request that the Development Department or other appropriate department or agency take action to require corrections of defects in the subject Resource in order that such Resource may be preserved in accordance with this article.

13-422 Status of Properties Previously Designated.

- a. All Historic Resources and Historic Districts previously designated under Article 4 of Chapter 13 of the Fresno Municipal Code shall retain such status for a period of 30 days from the date of passage of this article, at which time they will automatically be redesignated pursuant to the provisions of and subject to the terms of this article.
- b. Historic Resources and Contributors to Historic Districts which have an application for a regulated permit on file at the time this article becomes effective shall remain in the regulatory scheme established by the version of this article in effect at the time application was made for such regulated permit.

13-423 Civil and Criminal Penalties. It shall be unlawful for any person to permit or maintain violations of any of the provisions of this article by undertaking the alteration, grading, removal, demolition or partial demolition of an Historic Resource or a building, structure, object or site within a Historic District without first obtaining the written approval of the Specialist, Commission or Council as provided in this article, or to defy any order or decision rendered by the Specialist, Commission or Council. Any violations of this article may be enforced as provided in this Code, except in the case of administrative citations issued pursuant to this Code, wherein the administrative penalty imposed shall be up to \$10,000 for each violation. As part of any enforcement proceeding, violators may be required to reasonably restore the building, structure, object or site to its appearance or condition prior to the violation, under the guidance of the Development Department.

13-424 Severability. If any section, sentence, clause or phrase of this article is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this article. The Council hereby declares that it would have passed this ordinance and adopted this article and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

City of Glendale (1997)

Municipal Code, Title 2, Chapter 2.76

2.76.010 Created. There is created a historic preservation commission in and for the city. (Prior code § 3-130)

2.76.020 Composition. The historic preservation commission shall consist of five members. (Prior code § 3-131)

2.76.030 Appointment-Compensation. Members of the historic preservation commission shall serve without compensation and shall be appointed by a majority of the council. (Prior code § 3-132)

2.76.040 Qualifications. Each member of the historic preservation commission shall be a qualified elector of the city at the time of appointment and during incumbency. All members shall demonstrate interest, competence and knowledge in historic preservation. Composition of the commission shall include at least one member doing business in one or more of the disciplines of architecture, history, architectural history, planning, archaeology, or other historic preservation related fields. (Ord. 5110 § 1, 1996: prior code § 3-134)

2.76.050 Terms of office. All five members shall be appointed for a term of three years. (Ord. 5110 § 2, 1996: prior code § 3-135)

2.76.060 Vacancies. Vacancies for any unexpired term of membership in the historic preservation commission shall be filled by appointment as provided by Section 2.76.030. (Prior code § 3-133)

2.76.070 Removal of members. Any member of the historic preservation commission may be removed by a majority vote of the council when, in the discretion of the council, the best interests of the city will be served. (Prior code § 3-136)

2.76.080 Chairperson and chairperson pro tempore. The historic preservation commission shall select one of its members as chairperson of the commission. In case of the absence of the chairperson, the members present at any meeting shall select one of their members to act as chairperson pro tempore. (Ord. 5110 § 3, 1996: prior code § 3-137)

2.76.090 Meetings and record of proceedings. The historic preservation commission shall meet at least once a month at such time and place as may be fixed by resolution. All meetings of the historic preservation commission shall be open to the public and held in compliance with the provisions of the Ralph M. Brown Act of the state. The historic preservation commission shall keep a record of minutes of all of its proceedings and actions which shall be available for public inspection. (Ord. 5110 § 4, 1996: prior code § 3-138)

2.76.100 Powers and duties generally. The historic preservation commission shall have the power and it shall be its duty to perform the following acts:

- A. To consider and recommend to the city council additions to and deletions from the register of historic resources;
- B. To keep current and publish a register of historic resources;
- C. To make recommendations to the planning commission, and the city council on amendments to the historic preservation element of the city general plan;
- D. To grant or deny applications for permits for demolition, or major alterations of historic resources;
- E. To grant or deny appeals from decisions of the director of planning and the permit services administrator as specified in Section 15.20.030 of this code;
- F. To encourage public understanding of and involvement in the unique historical, architectural and environmental heritage of the city through educational and interpretative programs;
- G. To explore means for the protection, retention and use of any historic resource, historic district, or potential historic resource or district;
- H. To make recommendations to the city council on applications for properties to be included in the property tax incentives program which may be subject to historic property contracts as set forth in Section 15.20.070 of this code;
- I. To encourage private efforts to acquire property and raise funding on behalf of historic preservation; however, the commission is specifically denied the power to acquire any property or interest therein for or on behalf of itself or the city;
- J. To recommend and encourage the protection, enhancement, appreciation and use of structures of historical, cultural, architectural, community or aesthetic value which have not been designated as historic resources but are deserving of recognition;
- K. To encourage the cooperation between public and private historic preservation groups;
- L. To advise city council and city boards and commissions as necessary on historic preservation issues;
- M. To render decisions on design review applications affecting designated historic resources pursuant to Section 30.16.820;
- N. To perform any other functions that may be designated by resolution or motion of the city council. (Ord. 5110 § 5, 1996: Ord. 4986 § 1, 1992: prior code § 3-139)

2.76.110 Procedural rules. The historic preservation commission may adopt, from time to time, such rules of procedure as it may deem necessary to properly exercise its powers and duties. All rules shall be kept on file in the offices of the director of planning and the city clerk. (Ord. 5110 § 6, 1996: prior code § 3-140)

2.76.120 Limitation on liability. Neither the historic preservation commission nor any member thereof shall incur any financial liability in the name of the city. (Prior code § 3-141)

Title 15, Chapter 15.20

15.20.010 Purpose. The city council declares that the recognition, preservation, protection and use of historic resources are required in the interest of the health, prosperity, social and cultural enrichment and general welfare of the people. The purpose of this chapter is to:

- A. Safeguard the heritage of the city by preserving resources which reflect elements of the city's history;
- B. Encourage public understanding and involvement in the unique architectural and environmental heritage of the city;
- C. Strengthen civic pride in the notable accomplishments of the past;
- D. Deter the demolition, misuse or neglect of historic resources, historic districts, and potential historic resources or districts which represent an important link to Glendale's past;
- E. Promote the conservation, preservation, protection and enhancement of historic resources, historic districts, potential historic resources or districts; and
- F. Promote the private and public use of historic resources for the education, appreciation and general welfare of the people. (Ord. 5110 § 7, 1996: prior code § 21-00)

15.20.020 Definitions. For the purposes of this chapter the following words and phrases shall have the meaning(s) ascribed herein:

"Demolition" means destruction that is so extensive that the historic character of a designated historic resource is completely removed and cannot be repaired or replaced.

"Glendale register of historic resources" means the official list of designated historic resources in the city of Glendale and any properties specified in the historic preservation element of the Glendale general plan.

"Historic district" means a geographic area including thematic areas encompassing designated historic resources within specific boundaries as adopted by city council.

"Historic resource" means any site, building, structure, area or place, man-made or natural, which is historically or archaeologically significant in the cultural, architectural, archaeological, engineering, scientific, economic, agricultural, educational, social, political or military heritage of the city of Glendale, the state of California, or the United States and which has been designated as historically significant in the National Register of Historic Places, the state of California Register of Historical Resources, the Glendale register of historic resources, or the historic preservation element of the Glendale general plan.

"Major alteration to historic resources" means alteration to a structure or site which does not conflict with the historic integrity of the historic resource which exceeds the size specification for minor alterations as defined herein.

"Minor alteration to historic resources" means alteration to a structure which does not conflict with the historic integrity of the historic resource and does not involve an addition of square footage or modification of an existing structure exceeding four hundred square feet of building area or modification of more than one thousand square feet of site area within a historic resource.

"Potential designated historic resource or district" means a resource or district which is officially proposed for listing in the Glendale register of historic resources or the historic preservation element for which a final action has not occurred. (Ord. 5110 § 8, 1996: prior code § 21-01)

15.20.025 Relationship of the historic preservation element to the Glendale register of historic resources.

All historic sites identified in the historic preservation element of the Glendale general plan, shall be subject to the provisions of this code. Upon establishment of a Glendale register of historic resources all historical sites in the historic preservation element shall be made a part thereof. (Ord. 5110 § 9, 1996)

15.20.030 Duties of the permit services administrator, the director of planning, historic preservation commission and city council regarding historic resources.

- A. In addition to other duties and powers specified elsewhere in this code, the permit services administrator shall consider and render decisions regarding historic resources for the following:
 - 1. The installation or removal of mechanical equipment including but not limited to heating, air conditioning, and ventilation, electrical and plumbing improvements which are not visible from a public right-of-way;

2. Installation of signs;
3. Installation of fire protection systems which are not visible from the public right-of-way.
- B. The director of planning shall consider and render decisions on minor alterations and routine maintenance and repair projects as specified in Section 15.20.110 of this code.
- C. The historic preservation commission shall conduct public hearings, and render decisions or make recommendations as set forth in Section 2.76.100 in this code.
- D. City council shall conduct public hearings and render decisions on:
 1. General plan amendments regarding the historic preservation element;
 2. Additions to and deletions from the register of historic resources pursuant to Sections 15.20.050, 15.20.055 and 15.20.060; and
 3. Applications for the property tax incentives program pursuant to Section 15.20.070 of this code.

15.20.040 Appeals.

- A. A decision regarding a historic resource by the permit services administrator or by the director of planning shall become final fifteen days following the date of the decision unless an appeal to the historic preservation commission is filed.
- B. A decision of the historic preservation commission shall become final fifteen days following the date of the decision unless an appeal to the city council is filed pursuant to the provisions of Chapter 2.88 of this code relating to the uniform appeal procedure. (Ord. 5110 § 11, 1996)

15.20.050 Findings for designation of historic resources and historic districts. Upon recommendation of the historic preservation commission, city council shall consider and make findings for additions to the register of historic resources. The designation of any proposed resource in the city as a historic resource or district shall be granted only if city council first finds that the proposed historic resource or district contains one or more of the following elements:

- A. The proposed resource or district identifies interest or value as part of the heritage of the city;
- B. The proposed resource or district is the location of a significant historic event;
- C. The proposed resource or district identifies with a person or persons or groups who significantly contributed to the history and development of the city; or whose work has influenced the heritage of the city, the state or the United States;
- D. The proposed resource or district exemplifies one of the best remaining architectural type in a neighborhood; or contains outstanding or exemplary elements of attention to architectural design, detail, materials or craftsmanship of a particular historic period;
- E. The proposed resource or district is in a unique location or contains a singular physical characteristic representing an established and familiar visual feature of a neighborhood;
- F. The proposed resource or district is a source, site or repository of archeological interest;
- G. The proposed resource or district contains a natural setting that strongly contributes to the well being of the people of the city. (Ord. 5110 § 12, 1996: prior code § 21-02)

15.20.055 Findings for deletion of historic resources and historic districts. Upon recommendation of the historic preservation commission, city council shall consider and make findings for deletions from the register of historic resources. The deletion of any designated historic resource or district shall be granted only if city council first finds that the historic resource or district:

- A. Has been destroyed or demolished by natural or man-made means; or
- B. No longer conforms to any of the findings identified in Section 15.20.050 of this code; or
- C. Has diminished historic significance or value upon a showing of clear and convincing evidence; or
- D. Cannot be restored, rehabilitated, stabilized or renovated for any use permitted in the zone in which it is located without causing an economic hardship disproportionate to the historic value of the property substantiated by clear and convincing evidence. Proof of economic hardship shall require a showing that the cost of stabilization of the historic fabric of the property exceeds the appraised value as determined by a qualified appraiser of the historic improvements on the site. If the appraised value of the historic improvements on a historic site is less than seventy-five percent of similarly sized buildings within a five-hundred-foot radius, the average appraised value of property improvements in the radius area shall be used. For property where neighborhood standards are not comparable, standard real estate practice comparable worth studies shall be produced to justify the burden of stabilization as compared to property value. Council shall consider the value of property tax incentives allowed by the historic preservation ordinance and other benefits as may be available for

historic preservation or stabilization in determining if economic hardship exists to the extent that deletion from the historic register is warranted. (Ord. 5110 § 13, 1996)

15.20.060 Procedure for designation or deletion of historic resources.

- A. Prior to city council consideration for designating or deleting historic resources or districts, written consent shall be obtained from the property owner(s) of record;
- B. The city council shall set a public hearing prior to designating or deleting a historic resource or district;
- C. The city clerk shall give notice of the public hearing which notice shall contain the date, time and place of the hearing, the general nature of the proposed designation or deletion and the street address or legal description of the property involved. Said notice shall be published once in the official newspaper of the city at least ten days before the date of the hearing. Said notice shall be mailed, postage prepaid, at least ten days before the date of the hearing to affected property owners and all persons, shown on the last equalized assessment roll as owning real property located within a radius of three hundred feet of the exterior boundaries of the property which is subject to the proposed designation or deletion;
- D. The city shall make findings of fact and determinations in writing pursuant to the criteria set forth in Sections 15.20.050 and 15.20.055 of this code; and
- E. The decision of the city council shall be made by resolution which shall be recorded with the Los Angeles County recorder. (Ord. 5110 § 14, 1996: prior code § 21-03)

15.20.070 Incentive program for historic resources. Notwithstanding any other incentive of federal or state law, owners of properties designated as historic resources may apply to the director of planning for the following incentives:

- A. Property tax incentive program and historical property contracts. Any owner of a historic resource which is in the Glendale register of historic resources shall be eligible to apply for the property tax incentive program through the use of a historical property contract pursuant to Sections 50280 et seq. of the California Government Code. All applications filed for historical property contracts shall be considered for recommendation by the historic preservation commission at a public hearing and forwarded to city council for final approval;
- B. Reduction in required parking for new uses in designated historic resources as specified in Title 30 of this code;
- C. Allowance of specified uses permitted in the C1 zone, in the R-3050, R-2250, R-1650, and R-1250 zones and as conditional uses in the ROS, R1R and R1 zones as specified in Title 30 of this code. (Ord. 5110 § 15, 1996: Ord. 4986 § 2, 1992: prior code § 21-07)

15.20.080 Permit required for demolition, removal or major alterations of historic resources.

- A. No person shall demolish, remove, or make major alterations to any designated historic resource without first obtaining a permit. An application for such permit shall be filed with the permit services administrator who shall thereupon transmit same to the historic preservation commission. The historic preservation commission may require that the application for permit be supplemented by such additional information or materials as may be necessary for a complete review by the historic preservation commission. The commission may impose such reasonable conditions or restrictions as it deems necessary or appropriate on a case-by-case basis to promote or achieve the purpose of this code. If a permit applicant provides evidence that the cost of complying with a condition of approval is not economically feasible, the commission may require that all conditions be met within a period of up to five years. The commission shall not approve a request for demolition except upon written findings after a public hearing that denial of the requested demolition will deprive the owner of substantially all reasonable use of the property, or that demolition will not have a significant effect on the achievement of the purpose of this chapter;
- B. No permit to demolish a historic resource may be issued without the issuance of a building permit for a replacement structure or project for the property involved; and
- C. Upon approval of a demolition permit the matter will be referred to city council for deletion from the register of historic resources pursuant to Sections 15.20.055 and 15.20.060. (Ord. 5110 § 16, 1996: prior code 21-04)

15.20.090 Enforcement.

- A. A violation of any provision of this chapter is expressly prohibited and is punishable as a misdemeanor pursuant to Section 1.20.010 of this code;
- B. In addition to any other remedies provided herein, any violation of this chapter may be enforced by civil action brought by the city. Remedies under this chapter are in addition to and do not supersede

or limit any and all other remedies, civil or criminal. The remedies provided for herein are cumulative and not exclusive. In any such action, the city may seek as appropriate, one or both of the following remedies:

1. A temporary or permanent injunction, or both,
 2. Assessment of the violator for the costs of any investigation, inspection or monitoring survey that led to the establishment of the violation, and for the reasonable costs of preparing and bringing legal action under this subsection; and
- C. In addition to any other remedies provided herein, in the event a historic resource is completely demolished in violation of this chapter, a penalty shall be imposed in which no building or construction related permits shall be issued for the property upon which the demolition took place, for a period of three years from the date of demolition. Said penalty shall be enforced by civil action filed by the city attorney and adjudicated by a court of competent jurisdiction. A demolition shall be presumed to have occurred on the date the city had actual knowledge of the demolition. (Ord. 5110 § 17, 1996)

15.20.100 Unsafe or dangerous conditions. Nothing in this chapter shall prevent the construction, reconstruction, alteration, restoration, stabilization or demolition of designated historic resources or any feature thereof which the director of public works or his or her designee shall certify is required because of an unsafe or dangerous condition and is a threat to public safety. (Ord. 5110 § 18, 1996)

15.20.110 Routine maintenance and repair. No routine maintenance or repair of any architectural feature including but not limited to exterior painting, reroofing, repointing of brick or other architectural feature of a designated historic resource may be commenced unless first approved by the director of planning. (Ord. 5110 § 19, 1996: prior code § 21-05)

15.20.120 Duty to maintain historic resources. Every owner of a designated historic resource shall maintain and keep such resources in a manner which clearly ensures the continued availability of such premises for lawful and reasonable uses, and which prevents deterioration, dilapidation and decay of any portion of such resource. (Ord. 5110 § 20, 1996: prior code § 21-06)

Town of Los Gatos

Division 3 Historic Preservation and LHP or Landmark and Historic Preservation Overlay Zone

29.10.020 Definitions. For the purposes of this chapter, the following words and phrases shall have the meanings ascribed to them in this section unless the context clearly indicates otherwise:

Demolition (historic structures) means:

1. Removal of more than twenty-five (25) percent of a wall(s) facing a public street(s) or fifty (50) percent of all exterior walls; or
2. Removal of more than fifty (50) percent of the interior structural elements unless the Building Official determines that the removal is the only reasonable means available to comply with the standards for seismic loads and forces of the Uniform Building Code; or
3. Enclosure or alteration of more than fifty (50) percent of the exterior walls so that they no longer function as exterior walls; or
4. A proposed alteration, which in combination with other alterations of the building authorized within the preceding five (5) years will represent a change defined in subsections (1), (2) or (3) above.

The remaining exterior walls must be contiguous and must maintain either the interior or exterior wall covering. This definition shall not apply to a structure located in a historic district that is not a contributor; however the structure shall be subject to the provisions of the definition of "demolition (nonhistoric structures)."

29.80.215 Purposes. It is hereby found that structures, sites and areas of special character or special historical, architectural or aesthetic interest or value have been and continue to be unnecessarily destroyed or impaired, despite the feasibility of preserving them. It is further found that the public health, safety and welfare require prevention of needless destruction and impairment, and promotion of the economic utilization and discouragement of the decay and desuetude of such structures, sites and areas. The purpose of historic preservation is to promote the health, safety and general welfare of the public through:

1. The protection, enhancement, perpetuation and use of structures, sites and areas that are reminders of past eras, events and persons important in local, State, or National history, or which provide significant examples of architectural styles of the past or are landmarks in the history of architecture,

or which are unique and irreplaceable assets to the Town and its neighborhoods, or which provide for this and future generations examples of the physical surroundings in which past generations lived.

2. The development and maintenance of appropriate settings and environment for such structures.
3. The enhancement of property values, the stabilization of neighborhood and areas of the Town, the increase of economic and financial benefits to the Town and its inhabitants, and the promotion of tourist trade and interest.
4. The enrichment of human life in its educational and cultural dimensions by serving aesthetic as well as material needs and fostering knowledge of the living heritage of the past. (Ord. No. 1316, 4.86.010, 6-7-76; Ord. No. 1328, 8-2-76; Ord. No. 2041, IV, 2-2-98)

29.80.220 Powers and duties of Planning Commission. The Planning Commission:

1. Shall recommend to the Town Council, after public hearing, concerning designation of landmarks and historic districts, as provided in section 29.80.245.
2. May establish and maintain a list of structures and other landmarks deserving official recognition although not designated as landmarks or historic districts, and take appropriate measures for recognition.
3. Shall hear and determine architecture and site approval applications for demolition a designated landmark sites and principal buildings in historic districts, as provided in sections 29.80.270 through 29.80.290.
4. May take steps to encourage or bring about preservation of structures or other features where the Planning Commission has decided to suspend action on a permit application, as provided in section 29.80.285.
5. Shall seek and consider a report from the Historic Preservation Committee when undertaking the powers and duties set forth in subsections (1) and (3) above, and shall consult with or request assistance from the Historic Preservation Committee when undertaking the powers and duties set forth in subsections (2) and (4) above. (Ord. No. 1316, 4.86.020, 6-7-76; Ord. No. 1375, 11-21-77; Ord. No. 1831, I, 7-16-90; Ord. No. 2041, IV, 2-2-98)

29.80.225 Historic Preservation Committee.

- a. The Historic Preservation Committee acts as an advisory body to the Planning Commission on all matters pertaining to historic preservation. The Historic Preservation Committee shall consist of five (5) members, three (3) public members and two (2) Planning Commissioners. The public members shall be appointed by the Town Council, and the Planning Commission members shall be appointed by the Planning Commission Chair and affirmed by the Town Council.
- b. The Committee is composed of professional and lay members with demonstrated interest, competence or knowledge in historic preservation. Committee members shall be appointed from among the disciplines of architecture, history, architectural history, planning, archeology or other historic preservation-related disciplines such as urban planning, American studies, American civilization, cultural geography or cultural anthropology to the extent that such professionals are available in the community. (Ord. No. 1316, 4.86.040, 6-7-76; Ord. No. 1375, 11-21-77; Ord. No. 1626, 8-6-84; Ord. No. 1762, I, 9-19-88; Ord. No. 1831, II, 7-16-90; Ord. No. 1856, I, 6-3-91; Ord. No. 1915, III, 10-19-92; Ord. No. 2041, IV, 2-2-98)

29.80.227 Powers and duties of the Historic Preservation Committee.

The Historic Preservation Committee shall:

1. Regularly review and make recommendations to the Planning Commission concerning the determination of all matters pertaining to historic preservation which comes before the Planning Commission.
2. Review and make recommendations to the Planning Director concerning the determination of a minor residential development permit for properties with a LHP overlay zone or structures which were built prior to 1941.
3. Determine and issue approval for minor residential and commercial exterior alterations not covered under the architecture and site approval process or the minor residential development permit, for designated properties with a LHP overlay zone. Minor exterior alterations consist of:
 - a. any new construction (excluding accessory structures less than four hundred fifty (450) square feet in area not used for parking or accessory living quarters and not visible from the street);
 - b. any new addition; and
 - c. Exterior alterations which require a building permit. This includes but is not limited to: porches, awnings, bay windows and change in siding.

4. Upon request of the Planning Director, review pending or proposed building permits dealing with historic structures when it is questionable that the work proposed meets the guidelines for pre-1941 structures.
5. May, on request of the property owner, advise with respect to any proposed work requiring or not requiring a Town permit on any historic structure, a designated landmark site or in a designated historic district. Examples of the work referred to are additions, demolitions, painting and repainting of exterior surfaces, roofing, fencing, landscaping, glazing, and installation of lighting fixtures. In advising, the Historic Preservation Committee shall be guided by the purposes and standards specified in this division and other applicable ordinances and/or development standards. This subsection does not impose regulations or controls on any property. (Ord. No. 1915, IV, 10-19-92; Ord. No. 2041, IV, 2-2-98)

29.80.230 Designation by ordinance.

- a. The Council may by ordinance designate:
 1. One (1) or more individual structures or other features, or integrated groups of structures and features on one (1) or more lots or sites, having a special character or special historical, architectural or aesthetic interest or value, as landmarks, and shall designate a landmark site for each landmark; and
 2. One (1) or more areas containing a number of structures having special character or special historical, architectural or aesthetic interest or value, and constituting distinct sections of the Town, as historic districts.
- b. Each designating ordinance shall include a description of the characteristics of the landmark or historic district which justify its designation, and a list of any particular features in addition to those features which would be affected by work described in section 29.80.260 that are to be preserved, and shall specify the location and boundaries of the landmark site or historic district.
- c. A lot zoned LHP may only be used in the manner provided in the underlying zone, however, the Town Council, on the basis of the evidence submitted at the hearing, may permit an existing use not otherwise permitted in the underlying zone to continue providing the Council makes the following findings:
 1. The use has been legal and continues to operate in a manner that is not detrimental to other uses in the general vicinity;
 2. There is no history of complaints about the use;
 3. Removal of the use to another location would effectively end the significance of the historical designation on the property; and
 4. The use has been legally and continuously operating for at least fifty (50) years.

The specific use and the findings to support its continuance shall be incorporated in the designating ordinance.

- d. If the use permitted by subsection (c) above is discontinued for one hundred eighty (180) consecutive days, the use shall not be resumed and the use of the property shall conform with the provisions of the underlying zone. Token use does not toll or interrupt a period of discontinuance.
- e. The property designated shall be subject to the controls and standards contained in this division. In addition, the property shall be subject to the following further controls and standards if imposed by the designating ordinance:
 1. For a publicly owned landmark, review of proposed changes in major interior architectural features.
 2. For a historic district, such further controls and standards as the Council finds necessary or desirable, including but not limited to facade, setback and height controls.
- f. The Council may amend or rescind a designation only by ordinance, after Planning Commission and Council hearings as required for original designations. (Ord. No. 1316, 4.86.050, 6-7-76; Ord. No. 1674, 2-18-86; Ord. No. 2041, IV, 2-2-98)

29.80.235 Initiation of designation. Initiation of designation proceedings shall be by resolution of the Council or Planning Commission. The date of initiation is the date the resolution is adopted. (Ord. No. 1316, 4.86.060, 6-7-76; Ord. No. 1328, 8-2-76; Ord. No. 2041, IV, 2-2-98)

29.80.240 Procedure. Except as provided by this division the proceedings for LHP or landmark and historic preservation overlay zone designation are the same as for any other zoning of land. (Ord. No. 1316, 4.86.070, 6-7-76; Ord. No. 1328, 8-2-76; Ord. No. 2041, IV, 2-2-98)

29.80.245 Hearing by Planning Commission for proposed historic designation. Notices required by sections 29.20.560 and 29.20.565, shall be mailed.

1. *Action and time limit.* The Planning Commission shall consider the degree of conformity of the proposed designation with the purposes and standards of this division and the general plan. The Planning Commission shall determine the matter within one hundred twenty (120) days after the initiation of designation proceedings.
2. *Notice of action.* The Planning Commission shall promptly notify the property owner of action taken. If the Planning Commission approves or modifies the proposed designation in whole or in part, it shall transmit the proposal, together with a copy of the resolution of approval, to the Council. (Ord. No. 1316, 4.86.080, 6-7-76; Ord. No. 1328, 8-2-76; Ord. No. 1626, 8-6-84; Ord. No. 2041, IV, 2-2-98)

29.80.250 Notice of designation by Council. When a landmark or historic district has been designated by the Council, the Town Clerk shall promptly notify the owners of the property included therein. (Ord. No. 1316, 4.86.100, 6-7-76; Ord. No. 2041, IV, 2-2-98)

29.80.255 Conformity required. Construction, alteration, demolition or removal work for which a Town permit is required is prohibited on a designated landmark site or in a designated historic district unless approval by the deciding body has been granted as provided in sections 29.80.260 through 29.80.300, or unless the work conforms with the provisions of section 29.80.310. (Ord. No. 1316, 4.86.110, 6-7-76; Ord. No. 1375, 11-21-77; Ord. No. 2041, IV, 2-2-98)

29.80.260 Permit required. No person shall do any work listed below without first obtaining the required planning approval:

1. Exterior alteration to a designated landmark, property in an historic district or pre-1941 structure consisting of any construction, addition, demolition, restoration or rehabilitation.
2. Interior alterations that would affect the exterior of a designated landmark, a structure in an historic district or a pre-1941 structure.
3. Construction of any type on a landmark site or within a historic district unless excepted by the designating ordinance, or of a type which does not affect the exterior appearance of the site, district or any structure on the site or in the district. (Ord. No. 1316, 4.86.120, 6-7-76; Ord. No. 1375, 11-21-77; Ord. No. 2041, IV, 2-2-98)

29.80.265 Application for permit. Applications for architecture and site approval, a minor residential development permit or minor historic development permit, shall include plans and specifications showing the proposed exterior appearance, color and texture of materials, and the proposed architectural design of the exterior of the structure. Where required by the deciding body, applications shall also show the relationship of the proposed work to the environs. (Ord. No. 1316, 4.86.130, 6-7-76; Ord. No. 1328, 8-2-76; Ord. No. 1375, 11-21-77; Ord. No. 2041, IV, 2-2-98)

29.80.270 Reserved. [Editor's note - Ord. No. 1914, I, adopted Oct. 19, 1992, deleted former 29.80.270, relative to the procedure for architecture and site approval, which derived from Ord. No. 1316, 4.86.140, adopted June 7, 1976 and Ord. No. 1375, adopted Nov. 21, 1977.]

29.80.275 Notice. In addition to the notice required by section 29.20.450, written notice shall be given to the Los Gatos Heritage Preservation Society. (Ord. No. 1316, 4.86.150, 6-7-76; Ord. No. 1328, 8-2-76; Ord. No. 1626, 8-6-84)

29.80.280 Decision. The Planning Commission shall consider any report from the Historic Preservation Committee and shall ascertain whether the proposed work conforms to this chapter and to the provisions of the designating ordinance. (Ord. No. 1316, 4.86.160, 6-7-76; Ord. No. 1328, 8-2-76; Ord. No. 1375, 11-21-77; Ord. No. 1626, 8-6-84; Ord. No. 2041, IV, 2-2-98)

29.80.285 Suspended action. To obtain sufficient time for steps necessary to preserve the structure concerned, the Planning Commission may suspend action on an architecture and site approval application to permit construction, alteration, demolition or removal for a period not to exceed one hundred eighty (180) days. The Council may, by resolution, extend the suspension for an additional period not to exceed one hundred eighty (180) days, if the resolution is adopted not more than ninety (90) days and not less than thirty (30) days prior to the expiration of the original one-hundred eighty-day period. During the suspension period, the Planning Commission may consult with the Historic Preservation Committee, the Los Gatos Heritage Preservation Society and other civic groups, public agencies and interested citizens, make recommendations for acquisition of property by public or private bodies or agencies, explore the possibility of moving one (1) or more structures or other features, and take any other reasonable measures. (Ord. No. 1316, 4.86.170, 6-7-76; Ord. No. 1328, 8-2-76; Ord. No. 1375, 11-21-77; Ord. No. 1626, 8-6-84)

29.80.290 Standards for review. In evaluating applications, the deciding body shall consider the architectural style, design, arrangement, texture, materials and color, and any other pertinent factors. Applications shall not be granted unless:

1. On landmark sites, the proposed work will neither adversely affect the exterior architectural characteristics or other features of the landmark (and, where specified in the designating ordinance for a publicly owned landmark, its major interior architectural features) nor adversely affect the character of historical, architectural or aesthetic interest or value of the landmark and its site.
2. In historic districts, the proposed work will neither adversely affect the exterior architectural characteristics or other features of the property which is the subject of the application, nor adversely affect its relationship, in terms of harmony and appropriateness, with its surroundings, including neighboring structures, nor adversely affect the character, or the historical, architectural or aesthetic interest or value of the district.
3. For pre-1941 structures, the proposed work will neither adversely affect the exterior architectural characteristics or other features of the property which is the subject of the application.

In any event applications shall not be granted for work which violates standards included in the designating ordinance or pre-1941 design guidelines. (Ord. No. 1316, 4.86.180, 6-7-76; Ord. No. 1375, 11-21-77; Ord. No. 1914, II, 10-19-92; Ord. No. 2041, IV, 2-2-98)

29.80.295 Exemptions for reconstruction. Reconstruction of a designated structure shall be exempt from setback and height requirements if it is rebuilt as originally constructed, except for modifications approved in the permit. (Ord. No. 1316, 4.86.185, 6-7-76; Ord. No. 1546, 8-16-82; Ord. No. 2041, IV, 2-2-98)

29.80.297 State Historical Building Code. The California State Historical Building Code (SHBC) provides alternative building regulations for the rehabilitation, preservation, restoration or relocation of structures designated as cultural resources. As required by state law, the SHBC shall be used if the property owner requests its use for historic buildings in the Town's building permit procedure. (Ord. No. 2041, IV, 2-2-98)

29.80.300 Showing of hardship in cases of proposed alterations, demolitions or construction. If the applicant presents facts clearly demonstrating to the satisfaction of the Planning Commission that failure to approve the application will work immediate and substantial hardship because of conditions peculiar to the particular structure or other feature involved, the Planning Commission may approve the application even though it does not meet the standards set forth in either the enabling or designating ordinance. (Ord. No. 1316, 4.86.190, 6-7-76; Ord. No. 1328, 8-2-76; Ord. No. 1375, 11-21-77; Ord. No. 2041, IV, 2-2-98)

29.80.305 Applicability for proposed historic designation.

- a. No application for a permit to construct, alter, demolish or remove any structure or other feature on a proposed landmark site or in a proposed historic district, filed subsequent to the date of initiation of proceedings to designate the landmark site or historic district, shall be approved while the proceedings are pending; provided, however, that if final action on the designation has not been completed one hundred eighty (180) days after initiation of designation proceedings, the permit application may
- b. The regulations of this division do not apply to the construction, alteration, demolition or removal of any structure or other feature on a landmark site or in a historic district, where a permit for the performance of such work was validly issued and used before initiation of proceedings for designation of the landmark site or historic district. For the purpose of this subsection, a permit is used if substantial construction work specifically for the purpose for which the permit is issued is lawfully performed after the permit is issued, and in reliance on the permit. (The term "construction" includes grading.) (Ord. No. 1316, 4.86.200, 6-7-76; Ord. No. 1328, 8-2-76; Ord. No. 2041, IV, 2-2-98)

29.80.310 Unsafe or dangerous conditions. None of the provisions of this division shall prevent any measures of construction, alteration, or demolition necessary to correct the unsafe or dangerous condition of any structure, other feature, or part thereof, where such condition has been declared unsafe or dangerous by the Building Official or the Fire Marshal, and where the proposed measures have been declared necessary, by such official to correct the condition; provided, however, that only such work as is absolutely necessary to correct the unsafe or dangerous condition and as is done with due regard for preservation of the appearance of the structure involved may be performed pursuant to this section. If any structure or other feature is damaged by fire, or other calamity, or by act of God, to such an extent that in the opinion of the aforesaid officials it cannot be reasonably repaired and restored, it may be removed in conformity with normal permit procedures and applicable laws. (Ord. No. 1316, 4.86.210, 6-7-76; Ord. No. 2041, IV, 2-2-98)

29.80.315 Duty to keep in good repair. The owner, lessee, and any other person in actual charge or possession of a pre-1941 structure, designated landmark or structure in the LHP or landmark and historic preservation overlay zone shall keep all of the exterior portions in good repair as well as all of the interior portions which are subject to control by the terms of the designating ordinance, and all portions whose maintenance is necessary to prevent deterioration or decay of any exterior portion. (Ord. No. 1316, 4.86.220, 6-7-76; Ord. No. 1328, 8-2-76; Ord. No. 2041, IV, 2-2-98)

29.80.320 Reserved. [Editor's note - Ord. No. 1981, I, adopted July 5, 1994, repealed former 29.80.320, relative to filing fees, which derived from Ord. No. 1610, I(4.86.230), adopted March 5, 1984 and Ord. No. 1952, IV, adopted Aug. 2, 1993.]

29.80.330-29.80.400 Reserved.

City of Redondo Beach

Chapter 4

Article 1 General Provisions

10-4.101 Short title. This chapter shall be known as the "preservation ordinance." (§ 2, Ord. 2554 c.s., eff. August 31, 1989)

10-4.102 Purpose and intent. The purpose of this chapter is to promote the public health, safety, and general welfare by providing for the identification, protection, enhancement, perpetuation, and use of historic resources such as building, structures, sites, places and districts within the City that reflect special elements of the City's architectural, artistic, cultural, historical, political, and social heritage for the following reasons:

- a. To safeguard the City's heritage by encouraging the protection of landmarks representing significant elements of its history;
- b. To foster civic and neighborhood pride and a sense of identity based on an appreciation of the City's past and the recognition and use of historic resources;
- c. To enhance the visual character of the City by preserving diverse architectural styles reflecting phases of the City's history and by encouraging complementary contemporary design and construction;
- d. To strengthen the economy of the City by protecting and enhancing the City's attractions to residents, tourists, and visitors;
- e. To stabilize and improve property values within the City by recognizing historic landmarks and by protecting areas of historic buildings from encroachment by incompatible designs;
- f. To promote the enjoyment and use of historic resources appropriate for the education and recreation of the people of the City;
- g. To integrate the preservation of historic resources and the extraction of relevant data from such resources into public and private land management and development processes;
- h. To conserve valuable material and energy resources by ongoing use and maintenance of the existing built environment; and
- i. To take whatever steps are reasonable and necessary to safeguard the property rights of owners whose property is declared to be a landmark or is located in an historic district. (§ 2, Ord. 2554 c.s., eff. August 31, 1989)

10-4.103 Area of application. This chapter shall apply to all historic resources, publicly and privately owned, within the corporate limits of the City of Redondo Beach. (§ 2, Ord. 2554 c.s., eff. August 31, 1989)

10-4.104 Definitions. For the purpose of this chapter, unless otherwise apparent from the context, certain words and phrases are defined as follows:

"Alteration" means any exterior change or modification of any landmark or of any improvement located on a property within an historic district including, but not limited to, exterior changes to or modifications of an improvement, or a structure or any of its architectural details or visual characteristics, including paint color and surface texture, grading, surface paving, and new structures.

Alteration, minor. "Minor alteration" means an alteration that has been determined to have limited potential to affect the defining character and architectural style of the subject structure or resource. In no case shall minor alterations include actions involving new construction or full or partial demolition of a resource, or actions requiring approval on the basis of a finding of economic hardship.

"Certificate of appropriateness" means a certificate approving such plans, specifications, design, or

statements of work, for any proposed alteration, restoration, demolition, removal, or relocation, in whole or in part, of or to improvements relative to landmarks or any property within a historic district.

“Commission” means the Preservation Commission established by Chapter 14, Title 2 of this Code.

“Contributing building” means a building within an historic district that has a special character, special historic or aesthetic interest or value, and is incorporated into the district for that reason.

“Demolition” means any acts that destroy in whole or in part, a building, structure, or improvement.

“Exterior architectural feature” means the architectural style, design, general arrangement, components, natural features and all the outer surfaces of an improvement, including, but not limited to, the kind and texture of the building material, the type and style of all windows, doors, lights, signs, walls, fences, and other fixtures appurtenant to such improvement.

“Historic district” or “district” means any contiguous geographic area containing any multiple number of historic resources and/or landmarks that collectively have a special character or special historical, cultural, architectural, archaeological, community or aesthetic value, or which represent one or more architectural periods or styles typical to the history of the City, that has been designated a historic district pursuant to this chapter. Contiguity shall include areas separated by streets, alleys, and other public rights-of-way.

“Historic resource” means any improvement, building, structure, landscape, sign, feature, site, place or area of scientific, aesthetic, educational, cultural, architectural, or historic significance to the citizens of the City.

“Improvement” means any building, structure, place, wall, fence, gate, sign, landscaping, or other object constituting a physical alteration of real property, or any part of such alteration.

“Landmark” means any improvement that has historical, cultural, aesthetic or architectural character or value, or which represents one or more architectural periods or styles typical to the history of the City and that has been designated as a landmark pursuant to this chapter.

“Minor Alterations Subcommittee” means a subcommittee of the Preservation Commission whose function is to review certificates of appropriateness involving minor alterations and to advise the Commission on matters of an architectural and design nature. The Minor Alterations Subcommittee shall consist of the following three (3) members appointed by the chairperson of the Commission: the staff liaison to the Commission, and two (2) members of the Commission, one of which shall be a professional from the field of architecture, if such a professional sits on the Commission.

“Noncontributing building” means a building within an historic district that does not possess the qualifications or characteristics of a contribution building due to such factors as age or alteration, but which has been included within the district because of its impact on the geographic integrity and overall character of the district.

“Ordinary maintenance” means any cleaning, painting, or similar work that does not result in the alteration of an improvement.

“Person” means any individual, association, partnership, firm, corporation, public agency, or political subdivision.

“Relocation” means the displacement of any improvement within the same site.

“Removal” means the displacement of any improvement from the site.

“Restoration” means the act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work. (§ 2, Ord. 2554 c.s., eff. August 31, 1989)

Article 2 Landmark and Historic District Designation Criteria

10-4.201 Designation criteria. For the purposes of this chapter, an historic resource may be designated a landmark, and an area may be designated an historic district pursuant to Article 3 of this chapter, if it meets one or more of the following criteria:

- a. It exemplifies or reflects special elements of the City's cultural, social, economic, political, aesthetic, engineering, or architectural history; or
- b. It is identified with persons or events significant in local, state or national history; or
- c. It embodies distinctive characteristics of a style, type, period, or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship; or
- d. It is representative of the notable work of a builder, designer, or architect; or
- e. Its unique location or singular physical characteristic(s) represents an established and familiar visual feature or landmark of a neighborhood, community, or the City. (§ 2, Ord. 2554 c.s., eff. August 31, 1989)

Article 3 Designation of Landmarks and Historic Districts.

10-4.301 Nomination requirements, landmark. Nominations of an historic resources as a landmark shall be made only by application of the property owner or property owners representing a majority or controlling interest in the property on which the resource is located, and the owner or owners representing a majority or controlling interest in the improvement if such improvement has been legally severed. (§ 2, Ord. 2554 c.s., eff. August 31, 1989)

10-4.302 Minimum eligibility requirements, landmark. In order to be eligible for consideration as a landmark, an historic resource must be at least fifty (50) years old; with the exception that an historic resource of at least thirty (30) years of age may be eligible if the Preservation Commission determines that the resource is very exceptional, or that it is threatened by demolition, removal, relocation, or inappropriate alteration. (§ 2, Ord. 2554 c.s., eff. August 31, 1989)

10-4.303 Nomination requirements, historic district. Nominations of a multiple number of historic resources as an historic district shall be made only by application of all of the owners of record of any lot or parcel of land to be included in the proposed district. (§ 2, Ord. 2554 c.s., eff. August 31, 1989, as amended by § 1, Ord. 2638 c.s., eff. September 5, 1991)

10-4.304 Minimum eligibility requirements, historic district. In order to be eligible for consideration as an historic district, at least seventy-five (75%) percent of the buildings in the proposed district (excluding accessory buildings) must be at least fifty (50) years old or otherwise meet the requirement of Section 10-4.302. In addition, no more than twenty-five (25%) percent of the buildings in the proposed district (excluding accessory buildings) may be noncontributing. Noncontributing buildings may be included as part of an historic district only to the extent that the Preservation Commission determines them to be essential to the geographic integrity of the district. The Preservation Commission shall make determinations identifying any noncontributing buildings within an historic district as part of the review process. (§ 2, Ord. 2554 c.s., eff. August 31, 1989)

10-4.305 Delay of work pending hearing. Once a completed application has been accepted for the designation of a landmark or an historic district, no building, alteration, demolition, removal, or relocation permits for any historic resource, improvement, building, or structure relative to a proposed landmark or within a proposed historic district shall be issued until a final determination is made regarding the proposed designation, except as provided under Article 6 of this chapter. (§ 2, Ord. 2554 c.s., eff. August 31, 1989)

10-4.306 Notice. Notice of the date, place, time and purpose of hearings shall be given by first class mail to the owner(s) of all nominated resource(s) at least ten (10) days prior to the date of the public hearing, using the names and addresses of such owners as shown on the latest equalized assessment rolls and shall be advertised in a newspaper of general circulation at least ten (10) days prior to the hearing. Failure to send any notice by mail to any property owner where the address of such owner is not a matter of public record shall not invalidate any proceedings in connection with the proposed designation. The Preservation Commission may also give such other notice as they deem desirable and practicable. (§ 2, Ord. 2554 c.s., eff. August 31, 1989)

10-4.307 Owner's withdrawal of consent. A property owner who has signed an application for inclusion of his (her) property in a proposed historic district may withdraw such consent by filing a written notice of withdrawal with the City Clerk at any time prior to the close of the public hearing thereon before the Preservation Commission or before the City Council on appeal, if any. (§ 2, Ord. 2554 c.s., eff. August 31, 1989, as amended by § 1, Ord. 2638 c.s., eff. September 5, 1991)

10-4.308 Commission study and determination. Not more than forty-five (45) days from the acceptance of a completed application for the designation of a landmark or historic district, a public hearing shall be scheduled before the Preservation Commission to study the proposed designation and to determine its eligibility and qualifications. Following the public hearing, but within no more than seventy (70) days from the date of the initial hearing, the Commission shall decide to approve, in whole or in part, or disapprove the designation. All decisions to approve or disapprove designations shall be made by resolution, and shall set forth the findings and reasons relied upon in making the determination. The time limit for making a decision may be extended at the request or with the concurrence of the applicant(s). (§ 2, Ord. 2554 c.s., eff. August 31, 1989)

10-4.309 Notice of designation. City departments. Notice of the designation of a landmark or an historic district shall be transmitted to all appropriate City departments and any other interested governmental and civic agencies. Each City department shall incorporate the notice of designation into its records, so that future decisions or permissions regarding or affecting a landmark or historic district shall be made with the

knowledge of the designation. For projects to be carried out by the City, or subject to discretionary approval by the City, that have a direct adverse effect on a landmark or properties within an historic district as determined by the responsible department, notice shall be given to the Preservation Commission. The Preservation Commission may review such projects and provide comments and recommendations to the reviewing or decision-making body. (§ 2, Ord. 2554 c.s., eff. August 31, 1989)

10-4.310 Removal of designation.

- a. In the event of substantial destruction of a landmark or historic district, the owner or owners of a landmark or owners representing a majority or controlling interest in a minimum of fifty-one (51%) percent of the parcels in an historic district may apply for removal of designation. The Preservation Commission or City Council may also initiate removal in such circumstances. The removal of a designation for this reason shall be processed and decided in the same manner as designations as set forth in this article, with the additional requirement that the determination of substantial destruction shall be set forth in the findings of the Commission.
- b. The complete demolition or removal of a landmark shall result in the removal of the landmark designation.
- c. Once a landmark or historic district designation has been removed, affected properties shall no longer be subject to any provision or regulation of this chapter. (§ 2, Ord. 2554 c.s., eff. August 31, 1989)

10-4.311 Use of California Historical Building Code. All repairs, alterations, restorations, or changes in use of existing buildings and structures designated as landmarks or included as part of an historic district may conform to the standards of the California Historical Building Code as an alternative to complying with building standards as set forth in Title 9 of this Code, notwithstanding the fact that such buildings may be nonconforming. (§ 2, Ord. 2554 c.s., eff. August 31, 1989)

Article 4 Certificate of Appropriateness Required

10-4.401 Actions requiring certificate of appropriateness.

- a. For landmarks or properties within an historic district, no person shall alter, restore, demolish, remove, or relocate any exterior improvement or architectural feature visible from any public right-of-way; or alter, restore, place, erect, remove, or relocate any permanent sign visible from a public right-of-way without being granted a certificate of appropriateness, except as provided under Article 6 of this chapter. Approval of such work shall be required even if no other permits or entitlements are required by the City.
- b. Minor alterations. The Commission may, by resolution, adopt a list of those types of alterations that are subject to approval of a certificate of appropriateness that are deemed to be "minor" in nature. The Commission may modify the list of minor alterations from time to time by resolution as circumstances warrant. Applications for certificates of appropriateness involving only minor alterations shall be reviewed pursuant to procedures in Section 10-4.402(E). (§ 2, Ord. 2554 c.s., eff. August 31, 1989, as amended by § 3, Ord. 2740 c.s., eff. March 23, 1995)

10-4.402 Review procedures for certificates of appropriateness. The following procedures shall be followed in processing applications for certificates of appropriateness.

- a. Application. An application shall be filed by the applicant with the Preservation Commission.
- b. Application materials. Such application shall be accompanied by such materials as are required by the Commission and the Community Development Department that are reasonably necessary for the proper review of the proposed project.
- c. Noticing.
 1. Minor alterations. No public noticing shall be required for applications for certificates of appropriateness only minor alterations.
 2. All applications other than minor alterations. For applications involving other than minor alterations, public notice shall be provided as determined by resolution of the Preservation Commission. Such resolution shall include at a minimum that where the property is part of an historic district there shall be mailed notice not less than ten (10) days prior to the date of such hearing to persons owning all other properties within the historic district.
- d. Economic hardship. In cases where the applicant intends to seek approval on the basis of economic hardship, the following material shall be submitted as part of the application:
 1. For all property:
 - a. Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other method;

- b. The amount paid for the property, the date of purchase and the party from whom purchased, including a description of the relationship, if any, between the owner and the person from whom the property was purchased;
 - c. Remaining balance on any mortgage or other financing secured by the property;
 - d. Estimated market value of the property both in its current condition, and after completion of the proposed demolition, relocation, or removal, to be presented through an appraisal by a qualified professional expert;
 - e. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of the structure and its suitability for rehabilitation;
 - f. An estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility or reuse of the existing structure on the property;
 - g. The assessed value of the land and improvements thereon according to the two most recent assessments;
 - h. Real estate taxes for the previous two (2) years;
 - i. Annual debt service, if any, for the previous two (2) years;
 - j. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with his purchase, financing or ownership of the property;
 - k. All listing of the property for sale or rent, price asked and offers received, if any; and
 - l. Any consideration by the owner as to profitable adaptive uses for the property.
2. For income-producing property:
- a. Annual gross income from the property for the previous two (2) years;
 - b. Itemized operating and maintenance expenses from the previous two (2) years;
 - c. Annual cash flow, if any, for the previous two (2) years.
- e. Review of applications involving minor alterations. Applications for certificates of appropriateness involving only minor alterations shall be reviewed by the Minor Alterations Subcommittee of the Commission, subject to the following provisions:
- 1. The Minor Alterations Subcommittee shall complete its review and mail notice to the applicant within thirty (30) days of the date of the acceptance of a completed application of its decision to approve or conditionally approve the application or to forward the application to the Preservation Commission for a decision. The notice of decision shall state the findings and reasons relied upon in reaching the decision. The time limit for Subcommittee action may be extended upon the request or with the concurrence of the applicant.
 - a. Decisions of the Minor Alterations Subcommittee to approve or conditionally approve an application must be by an affirmative vote of all members of the Subcommittee present. If there are any dissenting votes the application shall automatically be forwarded to the Preservation Commission for a decision unless the application is withdrawn by written request of the applicant.
 - 2. Where the decision of the Subcommittee is to conditionally approve the application, the decision of the Subcommittee shall be final and conclusive unless, within twelve (12) days of the date of notice of the decision, the applicant files with the Planning Division a written appeal setting forth all the points of disagreement with the Subcommittee.
 - 3. Where the application has been forwarded or appealed to the Preservation Commission, the application shall be heard by the Commission at its next available regular, special, or additional meeting, and the Commission shall complete its review and render a decision to approve, approve with conditions, or deny a certificate of appropriateness within forty-five (45) days of the initial hearing. Decisions of the Commission shall be in writing and shall state the findings and reasons relied upon in reaching the decision.
- f. Review of other applications. Applications for certificates of appropriateness other than for minor alterations shall be reviewed by the Preservation Commission, subject to the following provisions:
- 1. The Commission shall complete its review and make a decision within seventy-five (75) days of the date of the acceptance of a completed application. The time limit for Commission action may be extended (1) upon the request or with the concurrence of the applicant; or (2) for failure of the applicant to provide any reasonable additional information or material requested by the Commission during the course of its review.
 - 2. Decisions of the Commission shall be in writing and shall state the findings and reasons relied

upon in reaching the decision.

3. For applications for all work other than to demolish or remove a landmark or structure located in an historic district, the Commission shall decide to approve, approve with conditions, or deny a certificate of appropriateness.
4. For applications to wholly or partially demolish or remove a landmark, or structure located within an historic district, the Commission shall decide to approve a certificate of appropriateness or to initiate a period of delay prior to granting approval. The delay of approval shall not exceed ninety (90) days in the case of a landmark or contributing building within an historic district, or sixty (60) days in the case of a non-contributing building within an historic district. The length of the delay shall be determined in accordance with its intended purpose (e.g. compiling photographic records or arranging for removal to another site). Notice shall be provided to the City Council of actions by the Commission to initiate a period of delay. The City Council may extend any period of delay initiated by the Commission for up to an additional ninety (90) days for good cause, except in cases where the Commission has determined a condition of economic hardship to exist. If no alternative arrangements have been completed by the expiration of the period of delay or any extension thereof, certificate of appropriateness shall be issued without the need for further action by the Commission.
5. For applications seeking approval on the basis of a finding of economic hardship, the Commission shall first review the application on the basis of criteria contained in Sections 10-4.403(A) through (E). If the applicable conditions are determined to not exist, then the application shall be reviewed on the basis of the criteria contained in Section 10-4.403(F). Prior to making a final determination in such cases, the Commission shall have the authority to invoke a period of delay. Such a period of delay shall not exceed sixty (60) days for any alteration or for demolitions or removals of non-contributing buildings, or 120 days for demolitions or removals of contributing buildings. During this delay, the Commission shall investigate alternative means to allow for a reasonable use or return from the property, or to otherwise preserve the property. (§ 2, Ord. 2554 c.s., eff. August 31, 1989, as amended by § 4, Ord. 2740 c.s., eff. March 23, 1995)

10-4.403 Criteria for approval of certificates of appropriateness. The Minor Alterations Subcommittee, Commission, or the City Council upon appeal, shall issue a certificate of appropriateness only when it determines the following conditions to exist as applicable in each case:

- a. In the case of a landmark, the proposed work (other than demolition or removal):
 1. Conforms to the prescriptive standards adopted by the Commission; and
 2. Will not detrimentally alter, destroy or adversely affect any exterior improvement or exterior architectural feature; and
 3. Will retain the essential elements that make the resource significant.
- b. In the case of all properties located within an historic district, the proposed work (other than demolition or removal):
 1. Conforms to the prescriptive standards adopted by the Commission; and
 2. Will not adversely affect the character of the district.
- c. In the case of properties supporting contributing buildings within an historic district, the proposed work (other than demolition or removal):
 1. Will not detrimentally alter, destroy, or adversely affect any exterior improvement or exterior architectural feature; and
 2. Will retain the essential elements that make the resource significant.
- d. In the case of construction of a new building, structure, or improvement on a site where a landmark is located or on a property within an historic district:
 1. The exterior of such improvements will not adversely affect and will be compatible with the external appearance of the existing designated improvements, buildings and structures on such site or within such district.
- e. In the case of the whole or partial demolition or removal of a landmark or structure located within an historic district:
 1. The structure and/or site is a hazard to public health or safety and repairs or stabilization are not physically possible; or
 2. The site is required for a public use which will be of more benefit to the public than the historic resource, and there is no feasible alternative location for the public use; or
 3. Removal of the resource to another site is not feasible or practical; or

4. For a building in an historic district, the proposed replacement structure will not detract from or adversely affect the character of the historic district; or
 5. For a partial demolition or removal, such action will not result in the loss of the essential elements that make the resource significant; or
 6. Any imposed delay of approval or extension thereof has expired.
- f. In the case where the applicant has requested consideration for approval on the basis of economic hardship:
1. It is not feasible to remove the resource to another site or otherwise preserve it; and
 2. The denial of the proposed work will work an immediate and substantial hardship on the applicant because of condition peculiar to the particular improvement; and
 3. The property cannot be put to a reasonable use or the owner cannot obtain a reasonable economic return therefrom without approval of the proposed work. (§ 2, Ord. 2554 c.s., eff. August 31, 1989, as amended by § 5, Ord. 2740 c.s., eff. March 23, 1995)

10-4.404 Expiration of certificate of appropriateness. A certificate of appropriateness shall lapse and become void eighteen (18) months (or shorter period if specified as a condition of approval) from the date of final approval, unless a building permit (if required) has been issued and the work authorized by the Certificate has commenced prior to such expiration date and is diligently pursued to completion. Upon request of the property owner, a Certificate of Appropriateness may be extended by the Preservation Commission for an additional period of up to twelve (12) months. The Preservation Commission may approve, approve with conditions, or deny any request for extension. (§ 2, Ord. 2554 c.s., eff. August 31, 1989)

10-4.405 Revocation of certificate of appropriateness. A Certificate of Appropriateness may be revoked or modified for reasons of (1) noncompliance with any terms or conditions of the Certificate; (2) noncompliance with any provisions of this chapter; or (3) a finding of fraud or misrepresentation used in the process of obtaining the Certificate. Revocation proceedings may be initiated by motion of the Preservation Commission or City Council. Once revocation proceedings have been initiated, all work being done in reliance upon such Certificate or associated permits shall be immediately suspended until a final determination is made regarding the revocation. The decision to revoke a Certificate of Appropriateness shall be made by the Preservation Commission following a public hearing, with written notice provided to the property owner at least ten (10) days prior thereto. (§ 2, Ord. 2554 c.s., eff. August 31, 1989).

Article 5 Appeals

10-4.501 Appeals. Any decision by the Preservation Commission to approve or disapprove a designation of a landmark or historic district, or to approve or disapprove a Certificate of Appropriateness, may be appealed to the City Council by any party who had appeared in person or by representative, or had submitted written materials during the course of the Commission's review. Such party may appeal by filing a notice of appeal with the City Council not later than twenty (20) days after the Commission's written decision has been filed with the City Clerk. The City Council shall schedule a public hearing to be held no later than forty (40) days after the notice of appeal is filed, and shall render its decision within forty (40) days of said hearing date. (§ 2, Ord. 2554 c.s., eff. August 31, 1989)

Article 6 Maintenance and Repair

10-4.601 Ordinary maintenance and repair. Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any exterior improvement or exterior architectural feature that does not involve a change in design, material or external appearance thereof, nor does this chapter prevent the alteration, restoration, demolition, removal, or relocation of any such improvement or architectural feature when the Building Official certifies to the Commission that such action is required for the public safety due to an unsafe or dangerous condition and cannot be accomplished under the California Historical Building Code. (§ 2, Ord. 2554 c.s., eff. August 31, 1989)

10-4.602 Duty to keep in good repair. The owner, occupant or other person in actual charge of a landmark or a building, structure, or improvement that is located within an historic district shall keep in good repair the exterior portions of all such buildings, structures, or improvements, and all interior portions thereof whose maintenance is necessary to prevent deterioration and decay of any exterior improvement or exterior architectural feature. (§ 2, Ord. 2554 c.s., eff. August 31, 1989)

Article 7 Enforcement

10-4.701 Enforcement.

- a. It shall be the duty of the Building Official or the Official's delegate to administer and enforce the

- provisions of this chapter.
- b. Methods of enforcement. In addition to the regulations of this chapter, other regulations of the Redondo Beach Municipal Code, and other provisions of law which govern the appeal or disapproval of applications for permits, licenses or Certificates of Appropriateness covered by this chapter, the Building Official shall have the authority to implement the enforcement thereof by serving notice requiring the removal of any violation of this chapter upon the owner, agent, occupant or tenant of the improvement, building, structure or land.
 - c. Methods of enforcement. In addition to the foregoing remedies, the City Attorney may institute any necessary legal proceedings to enforce the provisions of this chapter, including the ability to maintain an action for injunctive relief to restrain or enjoin or to cause the correction or removal of any violation of this chapter, or for an injunction in appropriate cases. (§ 2, Ord. 2554 c.s., eff. August 31, 1989)
- 10-4.702 Penalties. For any action or development covered by this chapter that is undertaken without the issuance of a Certificate of Appropriateness or that is undertaken without full compliance with the terms and conditions of an issued Certificate of Appropriateness, the Building Official shall order the action stopped by written notice. It shall be a misdemeanor for any person to carry out any work on any building, structure, improvement, or property in violation of a notice stopping such work or in violation of this chapter. (§ 2, Ord. 2554 c.s., eff. August 31, 1989)

City of Sacramento (2000)

Chapter 15.124-HISTORIC PRESERVATION

Article I-General Provisions

15.124.010 Findings. The City Council finds and declares that:

- A. The City of Sacramento has a rich history. Significant aspects of that history need to be recognized and preserved.
- B. Preservation of historic resources is important to promote the public health and safety and the economic and general welfare of the people of Sacramento.
- C. Well-preserved and retained historic resources are essential to maintain and revitalize the City and its neighborhoods and stimulate economic activity, and, further, the preservation and continued use of historic resources are effective tools to sustain and revitalize neighborhoods and business districts within the City.
- D. The City's historic structures, sites and other resources are irreplaceable and need to be protected from deterioration, inappropriate alterations, demolition and archeological site damage.
- E. Preservation of Sacramento's historic resources enhances the City's economic, cultural, and aesthetic standing, its identity, and its livability, marketability, and urban character.

15.124.020 Purpose. The purpose of this Chapter shall be to:

- A. Identify, protect, and encourage the preservation of significant architectural, historic, prehistoric, and cultural structures, sites, resources and properties in the City.
- B. Provide a mechanism, through surveys, nominations and other available means, to compile, update and maintain an inventory of historic resources within the City.
- C. Ensure the preservation, protection, enhancement, and perpetuation of historic structures, sites, and other resources to the fullest extent feasible.
- D. Encourage, through both public or private action, the maintenance or rehabilitation of historic structures, sites and other resources.
- E. Encourage development that sensitively incorporates the retention, preservation and re-use of historic structures, sites, and other resources.
- F. Safeguard the City's historic resources, both public and private projects.
- G. Provide for consistency with state and federal preservation standards, criteria, and practices.
- H. Protect and enhance the City's attraction to tourists and visitors.
- I. Foster civic pride in the character and quality of Sacramento's historic resources and in the accomplishments of its people through history.
- J. Encourage new development that will be aesthetically compatible with historic resources.

15.124.030 Definitions.

"Board" means the Design Review & Preservation Board as designated in Article II of this Chapter.

"Building Official" means the Building Official designated in Chapter 15.04 of Title 15 of the Sacramento City Code, and his or her designee(s).

"California Environmental Quality Act " means the California Public Resources Code Section 21000 et seq. as it may be amended. The California Environmental Quality Act may also be referred to in this Chapter as "CEQA".

"California Register" means the California Register of Historical Resources as defined in California Public Resources Code Section 5020.1 as it may be amended from time to time.

"California Register Resource" means any resource designated on the California Register as it may be amended from time to time.

"Certificate of Appropriateness" shall mean the certificate required pursuant to Article VI herein prior to undertaking any of the following work or improvements on a Landmark, Contributing Resource or Non-Contributing Resource, or pursuant to Sections 15.124.190, on a Nominated Resource.

- (i) installation or replacement of exterior windows or doors;
- (ii) construction of new fencing or walls, or alteration of existing fencing or walls;
- (iii) replacement or alteration of exterior paint or other exterior architectural coating or treatment on a Landmark, where the exterior paint or other exterior architectural coating or treatment has been identified as a significant Feature or Characteristic of a Landmark;

"Certified Local Government" (CLG) means a local government that has been certified by the National Park Service to carry out the purposes of the National Historic Preservation Act of 1966 (16 U.S.C. Sec. 470 et seq.) as amended, pursuant to Section 101(c) of that Act and the regulations adopted under the Act, which are set forth in Part 61 (commencing with Section 61.1) of Title 36 of the Code of Federal Regulations.

"City" means the City of Sacramento.

"Contributing Resource" means a Resource designated as a Contributing Resource by the City Council in accordance with Article IV this Chapter.

"Council" means the City Council of the City of Sacramento.

"Dangerous Building" means a dangerous building as that term is defined in Section 8.96.110 of the Sacramento City Code.

"Development Project" means and includes the following:

- (i) the alteration, modification or rehabilitation of the exteriors of Landmarks, Contributing Resources and Non-Contributing Resources;
- (ii) the alteration, modification or rehabilitation of interiors of Landmarks and Contributory Resources where the interiors constitute "Features or Characteristics" as defined herein; or
- (iii) new construction within a Historic District;

"Feature or Characteristic" means fixtures, components or appurtenances attached to, contiguous with or otherwise related to a structure or property including landscaping, setbacks, distinguishing aspects, roof attributes, overlays, moldings, sculptures, fountains, light fixtures, windows, and monuments. "Feature or Characteristic" may include historically and/or architecturally significant interior areas that are accessible to or made available to the public, including, without limitation, areas commonly used as public spaces such as lobbies, meeting rooms, gathering rooms, public hallways, great halls, bank lobbies or other similar spaces. Interior areas that generally are not accessible to or made available to the public, but which occasionally may be visited by business invitees or members of the public, including those on a tour of a facility, do not constitute a "Feature or Characteristic" for purposes of this Chapter.

"Historic Resource" and "Cultural Resource" mean, for the purposes of environmental reviews related to CEQA and the City's compliance with CEQA, those properties listed in the Sacramento Register and the City's Inventory, as defined herein. "Historic Resource" and "Cultural Resource" shall also include those properties specified as a Historic Resource or Cultural Resource by CEQA, by the CEQA Guidelines, or by any other provision of California law.

"Immediately Dangerous Building or Structure" means an immediately dangerous building or structure as defined in Section 8.96.120 of Title 8 of the Sacramento Code.

"Historic District" means a geographic area designated as a Historic District by the Council in accordance with Article IV of this Chapter.

"Historic District Plan" means a plan adopted by the Council pursuant to Article IV this Chapter or the prior versions of this Chapter.

"Landmark" means all Historic Resources designated as Landmarks by the Council in accordance with Article IV of this Chapter.

"Listed Historic Resource" means any Resource listed in the Sacramento Register in accordance with this Chapter. "Listed Historic Resource" includes any Resource designated by the City Council as a Landmark or as a Contributing Resource.

"Listed Historic Resource" does not include a non-contributing resource in a Historic District. "Listed Historic Resource" shall include National Register Resources other than the Old Sacramento National Historic Landmark, Historic District.

"Mills Act" means California Government Sections 50280 et seq., as it may be amended from time to time.

"National Environmental Protection Act" means 42 U.S.C. Secs. 4321 et seq., as it may be amended from time to time. The National Environmental Protection Act may be referred to in this Chapter as NEPA.

"National Historic Preservation Act" means 16 U.S. Secs. 470 et seq., as it may be amended from time to time.

"National Register of Historic Places" means the official inventory of districts, sites, buildings, structures and objects significant in American history, architecture, archeology and culture which is maintained by the Secretary of the Interior under the authority of the Historic Sites Act of 1935 and the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq., 36 C.F.R. Sections 60, 63).

"National Register Resource" means any Resource listed in the National Register of Historic Places.

"Nominated Resource" means a Resource nominated for placement on the Sacramento Register as provided for in Article IV of this Chapter.

"Nomination" means a nomination for placement of a Resource on the Sacramento Register pursuant to Article IV of this Chapter.

"Non-Contributing Resources" means all Resources within a Historic District that are not identified as Contributing Resources.

"Old Sacramento National Historic Landmark, Historic District" means the Old Sacramento National Historic Landmark, Historic District as listed and described on the National Register of Historic Places established pursuant to the National Historic Preservation Act, an area located in the Sacramento Central City roughly bounded by the Sacramento River on the west, Capitol Mall on the south, the Interstate 5 freeway on the east and I Street and the I Street Bridge on the north.

"Preservation Director" means the Preservation Director as designated in Article III of this Chapter.

"Resource" means any building, structure, site, area, place, feature, characteristic, appurtenance, landscape, landscape plan, or improvement.

"Richards Boulevard Area Architectural and Historical Property Survey" means the "Richards Boulevard Area Architectural and Historical Property Survey" prepared for the City by Historic Environment Consultants, as updated and revised in September 2000.

"Sacramento Register" means the Register created by Article IV of this Chapter.

"Secretary of the Interior Standards" means the Secretary of the Interior Standards for Treatment of Historic Properties found at 36 C.F.R. 68.3, as it may be amended from time to time.

"Significant Feature or Characteristic" means a Feature or Characteristic identified by the City Council as significant from a historical standpoint pursuant to Article IV of this Chapter.

"State Historical Building Code" means the State Historical Building Code as contained in Part 8 of Title 24 (California Building Standards Code) of the California Code of Regulations, as it may be amended from time to time.

"Structure" means a Resource created principally to shelter or support human activity.

"Supportive Structures" means those structures identified as "Supportive Structures" within Preservation Areas under City Ordinance No. 85-076.

"Survey" means a process by which Resources are documented for Landmark or Historic District consideration.

"Zoning Code" shall mean Title 17 of the City Code, as it may be amended from time to time.

Article II Design Review And Preservation Board

15.124.040 Board- Name. The "Design Review and Preservation Board" shall be constituted and shall have the powers and duties as specified herein.

15.124.050 Board- Appointment.

A. The Board shall consist of nine (9) members.

B. Pursuant to Section 232 of the City Charter, members of the Board shall be appointed by the Mayor, with the consent of the City Council.

- C. All members of the Board shall be residents of the City at the time of their appointment, except that the Mayor may nominate non-resident member(s) if the Mayor determines that no qualified resident individual(s) have applied for an available opening on the Board.
- D. Each member of the Board shall have demonstrated interest in historic preservation, the cultural resources of the City, urban design, landscape or architectural design, or the physical development of the City.
- E. Seven (7) of the members of the Board shall be qualified by reason of training or professional experience as follows:
 - 1. Seat 1: A member who is a Landscape Architect.
 - 2. Seat 2: A member who is a Licensed Architect.
 - 3. Seat 3: A member who is a Registered Structural Engineer.
 - 4. Seat 4: A member who has training or experience in real estate development, real estate brokerage, real estate financing, real estate law, or real estate property management.
 - 5. Seat 5: A member who has training or experience in Sacramento area regional history, Sacramento area ethnic history, or Sacramento area cultural development history, and who meets the Secretary of the Interior's professional standards for historians.
 - 6. Seat 6: A member who has training or experience in urban design or planning;
 - 7. Seat 7: A member who has training or experience in architectural history, with a particular emphasis on North American architectural history and development, and who meets the Secretary of the Interior's professional standards for architectural historians.
- F. Seats 8 and 9 shall be filled by at-large members, and may, but need not, include a person with training or experience as a professional archeologist, and a person who is a member of the Sacramento business community.

15.124.060 Board - Term of Office. For all members of the Board in office as of the effective date of this Chapter, their terms shall expire as provided for in the ordinance in effect at the time of their appointment. For all appointments made after the effective date of this Chapter, the term of office for each member of the Board shall be four years. The maximum number of full consecutive terms a member may serve is two. The maximum number of consecutive years a member may serve is ten. The seat numbering designated in Paragraphs E and F of Section 15.124.050 shall be assigned by the Board Secretary as each seat existing at the adoption of this Chapter becomes vacant.

15.124.070 Board- Removal from Office. The removal of members from the Board shall be governed by Section 232 of the City Charter.

15.124.080 Board – Vacancies. A vacancy in a seat on the Board shall be filled by appointment for the remainder of the term of the former member. The appointment shall be made by the Mayor and shall be subject to approval by the City Council. Each appointee shall possess the qualifications required for the seat being filled.

15.124.090 Board – Compensation. Each member of the Board shall receive compensation as determined by the City Council.

15.124.100 Board - Rules and Procedures. The Board shall adopt its own rules of procedure, which shall include a provision requiring the Board to select a chairperson from its membership annually during the first quarter of the calendar year. A quorum shall be required for the Board to take any action. A quorum shall be five (5) members present who have not been required to abstain due to a conflict of interest. The Board shall act by a majority vote of the quorum. The Board shall be subject to, and shall comply with, the requirements of the Brown Act.

15.124.110 Board - Powers and Duties. Unless otherwise specified herein the powers and duties of the Board shall be as follows:

- A. Make recommendations to the City Council regarding the Historic Preservation Element of the City's General Plan.
- B. Review and recommend to the City Council the inclusion or deletion of Landmarks and Historic Districts in the Sacramento Register using the criteria stated in Article IV of this Chapter.
- C. Review and make recommendation to the State Office of Historic Preservation regarding nominations of property located within the City of Sacramento to the National Register of Historic Places.
- D. Hear appeals of Preservation Director actions as provided for in this Chapter.
- E. Approve, approve with conditions and/or mitigation measures, or disapprove applications for Development Projects.

- F. Certify and/or ratify applicable environmental documents, or when acting in an advisory capacity only, recommend certification or ratification of environmental documents, in accordance with CEQA or NEPA.
- G. Make recommendations to the City Council, the Planning Commission, the City Manager, or any other entity, for purposes of providing historic preservation incentives, including, without limitation, procedural, economic and tax incentives, acquisition of property, development rights, preservation easements, conservation easements, land use, zoning, development restrictions, penalties and sanctions, fee adjustments, and negotiated settlements.
- H. Make recommendations to the City Council and City Manager regarding the periodic update of the City's preservation program, standards, procedures, and criteria, including revisions to this Chapter.
- I. Recommend standards for review of Development Projects in addition to those standards set forth herein and forward the recommended standards to the City Council for the City Council's consideration and adoption.
- J. Evaluate and comment upon proposals and environmental reviews pending before other public agencies affecting the physical development, historic preservation and urban design in the City.
- K. Exercise those powers and duties granted or imposed pursuant to the provisions of Chapter 17.132 (design review) of Title 17 (the Zoning Code) of the City Code.
- L. Make recommendations to the City Council and the City Manager for enforcement and penalties concerning matters covered in this Chapter.
- M. Coordinate with, and make recommendations to, other governmental agencies regarding historic preservation matters.
- N. Consult with and advise the City Council in connection with the exercise of the Board's duties and functions;
- O. Make recommendations to the Housing Code Advisory and Appeals Board concerning repairs, stabilization, weatherization or demolition or partial demolition of Listed Historic Resources.
- P. Assume duties assigned to the Board by the City Council pursuant to the Certified Local Government provisions of the National Historic Preservation Act of 1966, or duties that may be assigned to the Board through any agreement(s) approved by the City Council. This shall include undertaking review and comment upon those projects on which the City, as a Certified Local Government, has an obligation or opportunity to provide review and comment under the National Historic Preservation Act, including but not limited to private and public projects undertaken within the Old Sacramento National Historic Landmark, Historic District.
- Q. Encourage and foster public participation regarding the historic preservation program, participation in the surveying of historic resources, developing preservation components in neighborhood plans and in other planning documents, the preparation or development of Landmark Project review standards guidelines and Historic District Plans, Landmark and Historic District nominations, and other activities that encourage the preservation of Sacramento's historic resources.
- R. Consider, in accordance with the nomination process provided in Article IV of this Chapter, nominations for addition(s) or deletion(s) to the Sacramento Register, designation of Landmarks and Historic Districts expansion or alteration of the boundaries of any Historic District, and the identification of Contributing Resources and Non-Contributing Resources in Historic Districts.
- S. Any other powers and duties conferred upon the Board by the City Council.

15.124.120 Board – Meetings. The Board shall meet at least once each month.

15.124.130 Board – Secretary. The Preservation Director, or his or her designee, shall serve as a non-voting Secretary to the Board.

Article III Preservation Director

15.124.140 Preservation Director - Office Established. To implement the City's historic preservation program and to assist the Board in the performance of its historic preservation duties pursuant to this Chapter, there is hereby created the position of Preservation Director. The Preservation Director shall be appointed by the City Manager.

15.124.150 Preservation Director – Authority. The Preservation Director shall have the authority to:

- A. Oversee the operation of the City's historic preservation office;
- B. Advise the City Council, the Planning Commission, the Design Review and Preservation Board, the Housing Code Advisory and Appeals Board, and the City Manager on historic preservation issues;

- C. Conduct surveys and updates of surveys, throughout the City, as may be required by California law or more often at the Preservation Director's choosing, and maintain a list of Resources eligible for Landmark, Contributing Resource and Historic District consideration;
- D. Consult with City departments regarding rehabilitation standards and historic resources surveys performed in conjunction with Development Projects;
- E. Consult with City departments regarding potential protections, mitigations, thresholds of significance and standards suitable for historic resources involved in a Development Project, or other discretionary actions;
- F. Make recommendations to the Board, Planning Commission, and Council regarding Development Projects;
- G. Implement the City's historic preservation program;
- H. Take such steps, including training, as are necessary for the City to remain a Certified Local Government. This shall include undertaking review and comment upon those projects on which the City has an obligation, as a Certified Local Government, to provide review and comment under the National Historic Preservation Act, including but not limited to private and public projects undertaken within the Old Sacramento National Historic Landmark, Historic District;
- I. Make preliminary determinations regarding nominations for inclusion on the Sacramento Register and proposals for deletion from the Sacramento Register;
- J. Take appropriate steps to ensure that the Sacramento Register is properly maintained and regularly updated and made available for public review and use. The Preservation Director shall also take appropriate steps to maintain and regularly update a list or compilation of resources within the City that are on the California Register of Historical Resources or the National Register of Historic Places, and to make the list or compilation available for public review and use;
- K. Perform such other functions as are provided for in this Chapter or any other applicable law.

Article IV. The Sacramento Register, The Criteria and Requirements for Placement on, or Deletion from, the Sacramento Register, and Nomination and Hearing Process

15.124.160 Sacramento Register.

- A. The ordinances adopting designations and deletions of Landmarks, Contributing Resources and Historic Districts shall be known, collectively, as the Sacramento Register.
- B. The original Sacramento Register and any subsequent amendments, inclusions, or deletions thereto shall be on file with the City Clerk. The City Clerk shall deliver a copy of the Sacramento Register, as it is amended, to the Planning Director, the Preservation Director, the Building Official, the City Office of Environmental Affairs, the Code Enforcement Manager, the Neighborhood Area Directors, the head of the City's Geographic Information Systems, the Director of the Sacramento History & Science Commission, and the Manager of the Sacramento Central Library.
- C. All Structures and Preservation Areas designated on the "Official Register" as of the date of enactment of this Chapter are included on the Sacramento Register. All Structures individually designated on the "Official Register" as Essential or Priority Structures are hereby designated "Landmarks" on the Sacramento Register, and shall be subject to the restrictions and conditions applicable to Landmarks. All geographic areas previously designated as Preservation Areas designated on the "Official Register" are hereby designated as "Historic Districts" on the Sacramento Register, and shall be subject to the restrictions and conditions applicable to Historic Districts.
- D. The Preservation Director shall take appropriate steps to ensure that the Sacramento Register is properly maintained and regularly updated. The Preservation Director shall also take appropriate steps to maintain and regularly update a list or compilation of resources within the City that are on the California Register of Historical Resources or the National Register of Historic Places, and to make the list or compilation available for public review and use.

15.124.170 Criteria and Requirements for Placement on, and Deletion from, the Sacramento Register.

The criteria and requirements for placement on, or deletion from, the Sacramento Register as a Landmark, Historic District or Contributing Resource are as follows:

- A. Addition to the Sacramento Register: Landmarks: A Nominated Resource shall be added to the Sacramento Register as a Landmark if the City Council finds, after holding the hearing(s) required by this Chapter, that all of the requirements set forth below are satisfied:
 - 1. Requirements:
 - a. The Nominated Resource meets one or more of the following criteria:

- i. It is associated with events that have made a significant contribution to the broad patterns of the history of Sacramento, the region, the state or the nation;
 - ii. It is associated with the lives of persons significant in Sacramento's past;
 - iii. It embodies the distinctive characteristics of a type, period, or method of construction;
 - iv. It represents the work of an important creative individual or master;
 - v. It possesses high artistic values; or
 - vi. It has yielded, or may be likely to yield, information important in the prehistory or history of Sacramento, the region, the state or the nation.
 - b. The Nominated Resource has integrity of location, design, setting, materials, workmanship and association. Integrity shall be judged with reference to the particular criterion or criteria specified in "a" above;
 - c. The Nominated Resource has significant historic or architectural worth, and its designation as a Landmark is reasonable, appropriate and necessary to promote, protect and further the goals and purposes of this Chapter.
- 2. Factors to be Considered: In determining whether to place a Nominated Resource on the Sacramento Register as a Landmark, the following factors shall be considered:
 - a. A structure removed from its original location is eligible if it is significant primarily for its architectural value or it is the most important surviving structure associated with a historic person or event.
 - b. A birthplace or grave is eligible if it is that of a historical figure of outstanding importance and there is no other appropriate site or structure directly associated with his or her productive life.
 - c. A reconstructed building is eligible if the reconstruction is historically accurate, if the structure is presented in a dignified manner as part of a restoration master plan; and if no other, original structure survives that has the same association.
 - d. Properties that are primarily commemorative in intent are eligible if design, age, tradition, or symbolic value invest such properties with their own historical significance.
 - e. Properties achieving significance within the past fifty (50) years are eligible if such properties are of exceptional importance.
- B. Addition to the Sacramento Register: Historic Districts: A geographic area nominated as a Historic District shall be added to the Sacramento Register as a Historic District if the City Council finds, after holding the hearing(s) required by this Chapter, that all of the requirements set forth below are satisfied:
 - 1. Requirements
 - a. The area is a geographically definable area;
 - b. The area possesses either:
 - i. A significant concentration or continuity of buildings unified by: a) past events; or b) aesthetically by plan or physical development;
 - ii. The area is associated with an event, person, or period significant or important to Sacramento history; or
 - iii. The designation of the geographic area as a Historic District is reasonable, appropriate and necessary to protect, promote, and further the goals and purposes of this Chapter and is not inconsistent with other goals and policies of the City.
 - 2. Factors to be Considered: In determining whether to place a geographic area on the Sacramento Register as a Historic District, the following factors shall be considered:
 - a. A Historic District should have integrity of design, setting, materials, workmanship and association.
 - b. The collective historic value of the buildings and structures in a Historic District taken together may be greater than the historic value of each individual building or structure.
- C. Addition to the Sacramento Register: Contributing Resources: A Nominated Resource shall be added to the Sacramento Register as a Contributing Resource if the Council finds, after holding the hearing(s) required by this Chapter, that all of the following requirements are satisfied:
 - 1. The Nominated Resource is within a Historic District;
 - 2. The Nominated Resource either embodies the Significant Features and Characteristics of them Historic District or adds to the historical associations, historical architectural qualities or archaeological values identified for the Historic District;

3. The Nominated Resource was present during the period of historical significance of the Historic District and relates to the documented historical significance of the Historic District;
 4. The Nominated Resource either possesses historic integrity or is capable of yielding important information about the period of historical significance of the Historic District; and
 5. The Nominated Resource has important historic or architectural worth, and its designation as a Contributing Resource is reasonable, appropriate and necessary to protect, promote and further the goals and purposes of this Chapter.
- D. Deletions from the Sacramento Register: An application to delete a Listed Historic Resource from the Sacramento Register may be approved if the City Council finds, after holding the hearings required by this Chapter, that the Listed Historic Resource no longer meets the requirements set forth above; provided that where a Landmark or Contributing Resource is proposed for deletion due to a loss of integrity, the loss of integrity was not the result of any illegal act or willful neglect by the owner or agent of the owner.

15.124.180 Procedures for Nomination of Resources for Placement on Sacramento Register and for Requests for Deletion of Resources from the Sacramento Register.

- A. Nominations Proposed by Preservation Director, Design Review and Preservation Board and City Council: The City Council, Design Review and Preservation Board and the Preservation Director shall have the authority to nominate Resources for placement on the Sacramento Register as Landmarks, Historic Districts or Contributing Resources, subject to compliance with the requirements of this section.
1. The Design Review and Preservation Board shall initiate Landmark, Contributing Resource and Historic District nominations by adopting a resolution of intent to consider a nomination either on its own motion, or at the request of the Preservation Director or the City Council. The City Council may nominate Landmarks, Contributing Resources and Historic Districts by adopting a resolution identifying the nominated Resource and transmitting its resolution to the Design Review and Preservation Board. The Design Review and Preservation Board shall adopt a resolution of intent to consider nominations for Resources nominated by the City Council.
 - a. Notice of Hearing: Written notice shall be given by first class, prepaid mail not less than ten (10) days prior to the hearing before the Board on whether to adopt a resolution of intent to nominate a Resource for placement on the Sacramento Register to the following individuals: The owner(s) of the Resource(s) proposed for Nomination, as shown on the latest equalized assessment roll. In the case of a nomination regarding a Historic District, the notice shall be provided to all property owners within the proposed district, as shown on the latest equalized assessment roll.
 - b. Form and contents of notice:
 - i. Common address and Assessors Parcel Number, if any, of the Resource proposed for Nomination.
 - ii. A general explanation of the requirements, benefits and restrictions associated with a Nomination;
 - iii. The date and place of the public hearing or hearings before the Board.
 2. The owner(s) of properties nominated as Landmarks or Contributing Resources and the owner(s) of properties within the geographic area nominated as a Historic District shall be notified in writing within a reasonable period of time, not to exceed twenty (20) days, of the Design Review and Preservation Board's adoption of a resolution of intent. Notice shall be given by first class, prepaid mail sent to owners at the addresses shown on the latest equalized assessment rolls. Form of notice: Notice given pursuant to this provision shall include at least the following:
 - a. Notification that the Resource has been nominated for placement on the Sacramento Register as a Landmark or Contributing Resource, as appropriate. In the case of a Nomination of a Historic District, the notice shall include a description of the proposed boundaries of the District, and whether the owner(s)' property is proposed to be added as a Contributing or Non-Contributing Resource;
 - b. A general explanation of the Nomination process and the effect of being nominated, and the opportunity for appeal of the Preliminary Determination of the Preservation Director;
 - c. A general explanation of the effect of being a Nominated Resource, including the restrictions on alteration and demolition;

- d. A general explanation of the hearing process for determining whether the Nominated Resource qualifies as a Landmark or Contributing Resource, or in the case of a Proposed Historic District, the hearing process for determining whether the geographic area qualifies as a Historic District; and
 - e. A general explanation of the effect of placement on the Sacramento Register, including the restrictions on alteration and demolition, as well as the general benefits from placement on the Register.
- B. Pursuant to Section 15.124.190, Resources nominated as Landmarks, Contributing Resources or Resources within a Landmark District shall be considered to be a Landmark, Contributing Resource or Resource within a Landmark District for purposes of Article VI, and shall be subject to the restrictions of Article VI following adoption of the resolution of intent, for the time period specified in Section 15.124.190.
- C. Process for Proposing Deletion from Sacramento Register: The procedure for proposing deletion of a Listed Resource from the Sacramento Register shall be as follows:
 - 1. Application by Owners of Landmarks and Contributing Resources:
 - a. Application for Deletion: Landmarks and Contributing Resources: The owner(s) of a Landmark or Contributing Resource may propose deletion of the Listed Historic Resource from the Sacramento Register.
 - b. All applications to delete a Listed Resource from the Sacramento Register shall be submitted to the Preservation Director. The Preservation Director shall determine if an application is or is not complete, and the date that the application Nomination is or is not complete. The Preservation Director shall determine the date that the application is complete.
 - c. Notice of Application for Deletion: Where an application is filed for deletion of a Listed Resource from the Sacramento Register, notice shall be given to the following persons within a reasonable period of time following receipt of the application:
 - i. All property owners, as shown on the latest equalized assessment roll, within five hundred (500) feet of the Nominated Resource(s). In the case of a nomination regarding a Historic District, the Nomination Notice shall be provided to all property owners within the proposed district and within five hundred (500) feet of the boundary of the proposed district.
 - ii. Anyone who has in writing to the Board Secretary requested notice of the Nomination.
 - d. Preliminary Determination of Preservation Director: Within such time that is reasonable and practicable after the Preservation Director has determined that an application for deletion is complete, the Preservation Director shall make a preliminary determination on whether the Listed Historic Resource is eligible for consideration for deletion from the Sacramento Register. The Preservation Director shall find that the Listed Historic Resource is eligible for consideration for deletion from the Sacramento Register if the Director finds that there is a reasonable likelihood that the Listed Resource will be deleted from the Sacramento Register, following completion of the notice and hearing requirements of this Chapter, for its failure to meet the criteria specified in 32.04.402 above. The Preservation Director shall issue a written decision on his/her preliminary determination whether the Listed Resource is eligible for consideration for deletion from the Sacramento Register.
 - e. Notice of Preliminary Determination: Written notice of the Preliminary Determination of the Preservation Director shall be given to the owner(s) and others who received notice of the application for deletion pursuant to (c) above.
 - f. Appeal: The owner(s) who apply to delete a Listed Historic Resource from the Sacramento Register shall have the right to appeal to the Design Review and Preservation Board, and thereafter the City Council, a preliminary determination that a Listed Resource is not eligible for consideration for deletion, in accordance with the provisions of Article VIII herein.
 - 2. Deletions of Historic Districts Proposed by Preservation Director, Design Review and Preservation Board, and City Council: The Design Review and Preservation Board may initiate a proceeding to delete a Historic District by adopting a resolution of intent to delete a Historic District, either on its own motion or at the request of the Preservation Director or the City Council. The City Council may adopt a resolution identifying the Historic District proposed for deletion, and transmitting its resolution to the Design Review and Preservation Board. No other person may propose deletion of a Historic District.

3. Periodic Deletion of Structures No Longer Eligible for the Sacramento Register: The Preservation Director shall periodically propose and process for deletion from the Sacramento Register those Listed Historic Resources which have been lawfully removed, demolished or disturbed to such an extent that, in the Preservation Director's opinion, they no longer qualify for placement on the Register.

15.124.190 Nominated Resources: Protections Pending Final Decision.

- A. Subject to the time limits set forth in Subsection B below, any Nominated Resource proposed for consideration as a Landmark or Contributing Resource shall be considered to be a Landmark or Contributing Resource for purposes of Article VI herein, and it shall be subject to the restrictions and protections of Article VI as if it were a Landmark or Contributing Resource. Any geographic area proposed for consideration as a Historic District shall be considered to be a Historic District for purposes of Article VI herein, and the Resources located within the proposed Historic District shall be subject to the restrictions and protections of Article VI as if they were located within a Historic District.
- B. The restrictions of Subsection A above shall apply for a period of 180 days from the date of adoption by the Board of a resolution of intent to consider a nomination of a property as a Landmark, a Contributing Resource or a property within a Historic District. After 180 days have elapsed from the date of the resolution of intent, if the City Council has not adopted an ordinance designating the nominated Resource as a Landmark, Contributing Resource or Historic District, the restrictions and protections established by Subsection A above shall no longer apply unless the Council has adopted an ordinance to extend the 180-day limit to consider the nomination. The Council may extend the time period an additional 180 days.
- C. Listed Historic Resources proposed for deletion from the Sacramento Register shall be subject to the restrictions and protections of Article VI unless and until a final decision is made by the City Council to delete the Listed Historic Resources from the Sacramento Register.

15.124.200 Process for Evaluating Nominations for Placement on the Sacramento Register and Proposals for Deletion from the Sacramento Register. The Council shall hear and decide nominations for placement on the Sacramento Register and proposals for deletion of Listed Historic Resources from the Sacramento Register. Prior to the Council hearing a nomination for placement on the Sacramento Register or proposal for deletion from the Sacramento Register, the Board shall hold a hearing and make a recommendation to the City Council for inclusion on, or deletion from, the Sacramento Register.

15.124.210 Hearing by the Board: Notice and Form of Notice. The Board shall conduct a public hearing or hearings on nominations for placement on the Sacramento Register and proposals for deletion from the Sacramento Register. At the conclusion of the hearing(s), the board shall make a recommendation to the City Council on the nomination or proposal.

- A. Notice of Hearing: Notice of the hearing before the Board shall be provided as follows:
 1. Written notice shall be given not less than twenty (20) days prior to the hearing to the following individuals:
 - a. The owner(s) of the Nominated Resource(s) or the owner(s) of the Listed Resource proposed for deletion, as shown on the latest equalized assessment roll. In the case of a nomination or proposal for deletion regarding a Historic District, the notice shall be provided to all property owners within the proposed district or the district proposed for deletion, as shown on the latest equalized assessment roll.
 - b. Where the Resource is proposed for inclusion on, or deletion from the Register as a Landmark, all property owners within five hundred (500) feet of the Resource, as shown on the latest equalized assessment roll. In the case of a nomination regarding a Historic District, the Nomination Notice shall be provided to all property owners within the proposed district and to all property owners whose property abuts property proposed for inclusion in the Historic District.
 - c. Anyone who has in writing to the Board Secretary requested notice of the Nomination.
 2. In the event of a Nomination or proposed deletion of a Historic District, the Preservation Director shall also send a copy of the notice to the Secretary of the Planning Commission. The Planning Commission may review the proposed designations and boundaries of the Historic District, or the proposed deletion, and may forward its recommendations to Board for the Board's consideration. Failure of the Planning Commission to provide comments shall not prevent the Board from acting on the Nomination or proposed deletion.

3. In the case of a Nomination or application for deletion of a Resource other than a Historic District, the Board Secretary shall also post the notice on the Nominated Resource or Resource proposed for deletion, or in a location in the public right-of-way in a location adjacent to the Resource.
- B. Form and contents of notice:
 1. Common address and Assessors Parcel Number, if any, of the Nominated Resource or the Resource proposed for deletion.
 2. A general explanation of the proposed designation or proposed deletion, and in the case of a Nomination, the requirements and/or benefits thereof.
 3. For Nominations, the reasons for the proposed designation, in terms of the historic, architectural, and cultural significance of the Nominated Resource(s), including a description of the proposed Significant Features and Characteristics of the proposed historic resource. The identification of Significant Features and Characteristics in the notice shall not be considered binding on the Board or Council, and nothing shall prevent or preclude the Board or Council from identifying different, additional or fewer Significant Features and Characteristics.
 4. The date and place of the public hearing or hearings before the Board.

15.124.220 Proposed Designations for Inclusion on, and Proposed Deletions from, the Sacramento Register.

- A. If the Board determines that the Resource under consideration is eligible for inclusion on, or deletion from, the Sacramento Register based upon the criteria, considerations, and assessment of integrity and significance outlined in this Chapter, the Board shall then make its recommendation to the City Council as to whether the Resource should be included as a Landmark, Contributing Resource or Historic District on the Sacramento Register, or be deleted from the Sacramento Register. In its recommendation to the City Council, the Board shall specify the Significant Features or Characteristics of the Nominated Resource.
- B. In the case of Historic District recommendations, the Board shall identify as "Contributing Resource(s)" all properties, structures, features or other resources within the proposed Historic District that it determines contribute to the district's designation as a Historic District. Properties, structures, features or other resources that happen to be located within the recommended Historic District boundaries, but which have no relevance to the area's identified significance, significant physical features or identifying characteristics shall be deemed Non-Contributing Resources.

15.124.230 Action by City Council.

- A. The Board Secretary shall transmit to the City Clerk for review by the City Council the Board's recommendations on inclusion(s) or deletion(s) to or from the Sacramento Register.
- B. Upon receipt of the recommendations of the Board, the City Council shall hold a public hearing thereon and may adopt, modify or reject the action(s) recommended by the Board. In the alternative, the City Council may refer the proposed action(s) to the Board for further hearings, consideration or study. Adoption of any inclusion on or deletion from the Sacramento Register shall be made by uncoded ordinance which shall contain findings of fact in support of each designation. The uncoded ordinance shall identify Significant Feature(s) or Characteristic(s) of Resources added to the Sacramento Register, and shall identify Contributing Resources and Non-Contributing Resources in a Historic District.
- C. Notice of the Council hearing pursuant to this section shall be mailed to the owner of the affected Nominated Resource(s), and the person nominating the Nominated Resource(s), not less than twenty (20) days prior to the date of the hearing. In addition, notice shall be published once not less than twenty (20) days before the hearing in an official newspaper of the City.

15.124.240 Frequency of Nominations. When a Nomination for placement of a Resource on the Register has been denied, no new Nomination for placement of the same or substantially the same Resource may be filed or submitted for a period of three years from the effective date of the final denial of the Nomination, except that an owner of a Resource may file a new Nomination following the passage of one year from the date of final denial. Where a Nomination for deletion of a Listed Historic Resource from the Register has been denied, no new application to delete the same Listed Historic Resource may be filed or submitted for a period of one year from the effective date of the final denial.

15.124.250 Proposed Demolition or Relocation of Buildings or Structures that are at Least Fifty Years Old: Review for Nomination for Placement on Sacramento Register.

- A. If a permit is sought to demolish or relocate a building or structure that was constructed at least fifty years prior to the date of application for demolition or relocation, and that building or structure is not

currently on the Official Register, is not the subject of a pending Nomination, has not been nominated for placement on the Official Register or reviewed pursuant to this section within the past three years, the permit application shall be referred to the Preservation Director to allow the Director to make a preliminary determination whether the structure should be nominated for placement on the Official Register. For purposes of this Section, a building or structure for which a building permit issued and construction commenced not less than fifty years prior to the date of application for a demolition or relocation permit shall be considered to have been constructed not less than fifty years ago, regardless of when the construction was completed, and regardless of whether the building or structure was thereafter expanded, modified or otherwise altered. Absent sufficient evidence to the contrary, the date of issuance of the building permit shall be considered to be the date on which construction commenced.

Exceptions:

1. Buildings and Structures within the Richards Boulevard Special Planning District: The requirements of this Section shall apply only to applications to demolish or relocate buildings or structures within the Richards Boulevard Special Planning District which are identified in the "Richards Boulevard Area Architectural and Historical Property Survey" (hereinafter "Survey"), as either potential essential structures, priority structures, or contributing structures within the potential North 16th Street Preservation Area. Applications to demolish or relocate buildings or structures which are not so identified in the Survey shall not be subject to the requirements of this Section.
 2. Buildings and Structures within other Surveyed Areas: To the extent that surveys have been prepared for other areas, and the Council has approved and adopted these surveys, the Council may provide, by resolution or ordinance, that this section shall apply only to those buildings or structures that the survey has identified as potential Landmarks or Contributing Resources.
- B. Upon receipt of an application to demolish or relocate a structure pursuant to Paragraph A above, the Preservation Director shall make a preliminary determination on whether the structure is eligible for consideration by the Board and Council for placement on the Sacramento Register, and shall provide notice to the property owner(s) of the preliminary determination. Notice shall be provided by first-class, prepaid mail. The Preservation Director shall make the Preliminary Determination within forty-five (45) days of the date that the application for the permit to demolish or relocate a building or structure is filed and determined or deemed to be complete. Failure of the Preservation Director to act within the forty-five (45) day period determination shall be considered to be a determination that the structure is not eligible for placement on the Register. For purposes of this section, the decision shall be considered to have been made on or before the date of mailing of the notice.
- C. In making this preliminary determination, the Preservation Director shall apply the eligibility criteria and factors specified above. The Preservation Director shall find that the Nominated Resource is eligible for consideration for placement on the Sacramento Register if the Director finds that there is a reasonable likelihood that the Nominated Resource will be placed on the Sacramento Register following completion of the notice and hearing requirements of this Chapter.
- D. The preliminary determination of the Preservation Director may be appealed by the owner or applicant pursuant to the Board, and thereafter to the Council, pursuant to the provisions of Article VIII.
- E. If an appeal of the preliminary determination of the Preservation Director is filed by the owner or applicant, the Design Review and Preservation Board shall hear and decide that appeal within thirty (30) days of the date of filing of the appeal. Notice of the appeal shall be given in the manner specified in Article VIII. Failure of the Board to act within this time period may be treated by the owner or applicant for the permit to demolish or relocate as a denial of the appeal of the Preliminary Determination that the building is eligible for consideration for placement on the Official Register, and that decision shall be subject to appeal to the City Council by the owner or applicant for the permit at any time thereafter, up to the date that the Board in fact issues a decision on the appeal. If the owner or applicant for the permit has not filed an appeal to the City Council, the issuance by the Board of a decision on the appeal more than thirty days after the date of the filing of the appeal shall be subject to appeal to the City Council in the manner specified in Article VIII.
- F. Pending a final decision on the preliminary determination of whether the building or structure is eligible for nomination for placement on the Sacramento Register, and for a period of forty-five days after a final decision that the building or structure is eligible, the building or structure shall be treated

as a Nominated Resource and shall be subject to the provisions of Section 15.124.190. The forty-five day time period shall commence on the date that the preliminary determination, including any appeals, is considered final. During the forty-five day period, the Board shall consider whether to initiate nomination proceedings; and if the Board adopts a resolution of intent pursuant to 15.124.180, the provisions of Section 15.124.190 shall apply from the date of adoption of the resolution of intent.

15.124.260 Reserved.

Article V Historic District Plans.

15.124.270 Historic District Plans.

- A. The Board shall promulgate and recommend to the Council for adoption a Historic District Plan for each Preservation Area existing as of the date of enactment of this Chapter, and for each Historic District designated pursuant to this Chapter. Each Historic District Plan shall include:
 - 1. A statement of the goals for review of development projects within the Historic District;
 - 2. A representation of the historical development of land uses, existing land uses, and any adopted plans for future land uses;
 - 3. A statement of findings, including the following:
 - a. The historical or pre-historical period to which the area is significant,
 - b. The predominant periods or styles of the structures or features therein, and
 - c. The Significant Features and Characteristics of said periods or styles, as represented in the Historic District, including, but not limited to, structure height, bulk, distinctive architectural details, materials, textures, archeological and landscape features and fixtures; and
 - d. A statement, consistent with Article IV herein, of the standards and criteria to be utilized in determining the appropriateness of any development project involving a Landmark, Contributing Resource or Non-Contributing Resource within the Historic District.
- B. The Board shall conduct a public hearing or hearings on the Proposed Historic District Plan. At the conclusion of the hearing or hearings, the Board may affirm, modify or rescind any portions of the proposed Historic District Plan. A notice of decision and recommendations in support thereof shall be filed in the office of the Preservation Director.
- C. The Board Secretary shall transmit the Board's recommended Historic District Plan to the City Clerk for the Council's review. The procedures set forth in Article IV of this Chapter shall govern the City Council's action on any proposed Historic District Plan. No Historic District Plan shall be considered adopted unless it had been approved by the Council.

Article VI Development Project and Demolition Review

15.124.280 General: Review Required for Development Projects Involving Landmarks, Contributing Resources and Non-Contributing Resources, and for Demolition of Landmarks and Contributing Resources.

- A. General: Except as provided below, review and approval by the Board or Director pursuant to this chapter shall be required prior to commencement of the following:
 - 1. Any Development Project involving a Landmark, Contributing Resource or Non-Contributing Resource, or pursuant to Sections 15.124.200 and 15.124.320, a Nominated Resource, which requires issuance of a City permit, including without limitation the following:
 - a. Building Permits, including but not limited to building permits for rehabilitation, new construction and demolition;
 - b. Building move and building relocation permits;
 - c. Sewer connection or disconnection permits, except for those disconnections for repair or maintenance of existing sewer connections;
 - d. Sign permits;
 - e. Certificates of Occupancy;
 - f. Grading Permits;
 - g. Demolition permits, whether for full, major or partial demolition; or
 - h. Encroachment permits.
 - 2. Except as specified herein, any of the following work or improvements undertaken on either: a) a Landmark, Contributing Resource or Non-Contributing Resource; or b) pursuant to Sections 15.124.200 and 15.124.320, a Nominated Resource:
 - a. Installation or replacement of exterior windows or doors;
 - b. Construction of new exterior fencing or walls, or alteration of existing fencing or walls;

- c. Replacement or alteration of exterior paint or other exterior architectural coating or treatment on a Landmark, where the exterior paint or other exterior architectural coating or treatment has been identified as a significant Feature or Characteristic of a Landmark;
Pursuant to Section 15.124.285, a Certificate of Appropriateness approved by the Preservation Director shall be required prior to undertaking any of the work specified in (a) through (c) above.
 - B. Exceptions: Notwithstanding Subsection A above, review by the Board or Director pursuant to this Chapter shall not be required for the following:
 1. Demolition or relocation of a Non-Contributing Resource
 2. Demolition of an immediately dangerous building, provided the provisions of Section 15.124.410 of this Chapter shall be satisfied prior to demolition.
 3. The following minor projects, provided the work is determined by the Preservation Director to be consistent with the Secretary of the Interior's Standards:
 - a. Demolition or removal of insignificant features of a historic resource, including noncontributory additions, garages or accessory structures, replacement windows and later siding material;
 - b. Any undertaking requiring a permit that does not change the exterior character-defining features of a historic resource, including, but not limited to, re-roofing if the re-roofing material has a similar appearance to the existing or original roofing material and the existing roofing material is infeasible to repair; replacement of windows and doors if the replacements match the existing or original windows and doors and it is infeasible to repair the existing doors or windows.
 - c. Any addition of less than two hundred (200) square feet on side or rear elevations that are not visible from the public right-of-way;
 - d. Any undertaking required by or related to health and safety needs that does not materially alter significant features of a historic resource or have an adverse effect on the significance of a historic resource;
 - e. Any other undertaking determined by the Preservation Director to be minor that does not materially alter significant features of a historic resource or have an adverse effect on the significance of a historic resource.

Projects proposed for consideration as minor projects pursuant to this subsection shall be reviewed by the Preservation Director or designated representative prior to issuance of a building permit to determine if the work meets all of the requirements to be treated as a minor project as defined above. No hearing shall be required, and the decision of the Preservation Director or designated representative shall be final and not subject to appeal. If the Preservation Director or designated representative determines that the project does not constitute a minor project as defined above, the project shall be subject to formal review by the Board or the Preservation Director pursuant to Subsection A above and Section 15.124.300.
 4. Work and repairs required as a matter of law.
 - C. It shall be unlawful and a violation of this Chapter for any person to commence or continue work on a Development Project involving a Landmark or Contributing Resource, or a Non-Contributing Resource in a Historic District unless review and approval pursuant to this Chapter has occurred; provided that Development Projects lawfully commenced prior to July 26, 2001, either with or without review under the previous version of this Chapter 15.124 of Title 15, shall not be subject to any further review under this Chapter or Title.
- 15.124.285 Certificates of Appropriateness. A certificate of appropriateness approved by the Preservation Director shall be required to undertake any of the work specified in Section 15.124.280. This requirement shall be in addition to any other permit or requirement required by the City Code. The Preservation Director shall, in the manner specified in Section 15.124.330, notice and hold a hearing on the application to undertake work specified in section 15.124.280.
- 15.124.290 Applications. The Building Official, Planning Director and designees, shall forward to the Preservation Director all applications for permits or other entitlements in which all or part of the work to be performed thereunder is subject to the review of the Board or the Preservation Director.
- 15.124.300 Review of Development Projects Involving Landmarks and Contributing Resources and Requests for Demolition of Landmarks and Contributing Resources.
- A. Board Review: The Board shall review and act on the following Development Projects and requests for demolition and relocation involving Landmarks and Contributing Resources:

1. Any Development Project involving a Landmark or Contributing Resource where the Preservation Director determines that the Development Project involves work on Significant Features or Characteristics or involves work that could affect the eligibility of the Listed Historic Resource for the Sacramento Register.
2. Except as provided below, all applications for demolition or relocation of Landmarks and Contributing Resources.

Exception: The Preservation Director shall have authority to review and act upon applications for demolition or relocation of accessory buildings and structures which are not identified as Significant Features or Characteristics of the Landmark or Contributing Resource.

- B. Preservation Director Review: The Preservation Director shall review and act on all Development Projects involving Landmarks and Contributing Resources not subject to review by the Board pursuant to A above.
- C. Preservation Director Determination: The Preservation Director shall review and determine whether a Development Project application involving a Landmark or Contributing Resource is subject to review by the Board or by the Director. The determination of the Preservation Director on this issue shall be final and shall not be subject to appeal. The decision of the Board or Director on the Development Project application shall be subject to appeal pursuant to Article VIII.
- D. Director Determination re: Landmarks and Contributing Resources without Identified Significant Features and Characteristics: For Landmarks and Contributing Resources which are on the Register because they were Essential or Priority Structures on the Official Register created under the prior version of this Chapter 15.124, and for which there are no identified Significant Features and Characteristics, the Preservation Director shall identify the significant Features and Characteristics and determine whether review by the Board or Director is appropriate under A and B above.

15.124.310 Review of Development Projects Involving Non-Contributing Resources in Historic Districts. The Board shall act on Development Project applications involving new construction on vacant parcels within Historic Districts. The Director shall act on all other Development project applications involving Non-Contributing Resources in Historic Districts.

15.124.320 Review of Development Projects Involving Nominated Resources and Requests for Demolition of Nominated Resources.

- A. Resources Nominated as Landmarks and Contributing Resources: For purposes of this Chapter, Resources nominated as potential Landmarks and Contributing Resources shall be treated as if they are Landmarks and Contributing Resources on the Sacramento Register, and Development Projects and requests for demolition or relocation involving these Resources shall be subject to review by the Board or Director pursuant to Section 15.124.300.
- B. Other Resources within Nominated Historic Districts: Resources within geographic areas nominated for consideration as Historic Districts which are not nominated or identified as potential Contributing Resources shall be treated as Non-Contributing Resources, and Development Projects and requests for demolition or relocation involving these Resources shall be subject to review by the Board or Director pursuant to Section 15.124.300.

15.124.330 Notice and Hearing. At least one public hearing shall be held by the Board or the Preservation Director, as appropriate, on Development Project applications and other matters for which Board or Preservation Director review is required pursuant to this Chapter. Notice of the hearing shall be given as follows:

- A. Notice:
 1. Written notice: Written notice of the hearing before the Preservation Director or the Board shall be given not less than ten (10) days prior to the hearing to the following:
 - a. The project applicant;
 - b. All owners of property located within five hundred (500) feet of the property which is the subject of the hearing, using for notification purposes the names and mailing addresses as shown on the latest equalized assessment roll in existence on the date the application is filed.
 2. Posting: Notice of the hearing shall also be posted on the property which is the subject of the hearing in a conspicuous place for at least seven (7) days prior to the date of the hearing.
- B. Form of Notice: The notice shall provide a general description of the Development Project or proposal, and the date and place of the public hearing(s) before the Preservation Director or Board.

15.124.340 Standards. The Board or the Preservation Director, as appropriate, shall apply and consider the following when reviewing a Development Project or other matter pursuant to this Chapter:

- A. The Secretary of Interior Standards;
- B. When the project involves a Resource located within a Historic District, the applicable provisions of the Historic District Plan, if any;
- C. The goals and policies of this Chapter; and
- D. The goals and policies of the General Plan and any applicable specific or community plan.

15.124.350 Decision and Findings.

- A. Projects not involving the Demolition or Relocation of a Landmark or Contributing Resource: For projects not involving the Demolition or Relocation of a Landmark or Contributing Resource, the Board or Director shall not approve the application unless the Board or Director makes one or more of the following findings concerning the project, as it may have been conditioned or modified.
 - 1. The project is consistent with the Secretary of Interior Standards and the goals and policies of this Chapter;
 - 2. The project is not fully consistent with the Secretary of Interior Standards, due to economic hardship or economic infeasibility, but the project is generally consistent with, and supportive of, the goals and policies of this Chapter. The applicant shall have the burden of proving economic hardship or economic infeasibility.
 - 3. The project is not fully consistent with the Secretary of Interior Standards, but is consistent with and supportive of identified goals and policies of the General Plan or applicable community or specific plan(s); and the project is either generally consistent with, and supportive of, the goals and policies of this Chapter, or if not, the benefits of the project and furthering the identified goals and policies of the General Plan or applicable community plan outweigh any impacts on achieving the goals and policies of this Chapter.
- B. Projects Involving Demolition or Relocation of a Landmark or Contributing Resource: For projects involving the Demolition or Relocation of a Landmark or Contributing Resource, the Board or Director shall not approve the application unless the Board or Director makes one or more of the following findings concerning the project, as it may have been conditioned or modified:
 - 1. Based upon sufficient evidence, including evidence provided by the Applicant, the property retains no reasonable economic use, taking into account the condition of the structure, its location, the current market value, the costs of rehabilitation to meet the requirements of the building code or other city, state or federal law;
 - 2. That the demolition or relocation of the Landmark or Contributing Resource is necessary to proceed with a project consistent with and supportive of identified goals and policies of the General Plan or applicable community or specific plan(s), and the demolition of the building or structure will not have a significant effect on the achievement of the purposes of this Chapter or the potential effect is outweighed by the benefits of the new project; or
 - 3. In the case of an application for a permit to relocate, that the building may be moved without destroying its historic or architectural integrity and importance; or
 - 4. That the demolition or relocation of the Landmark or Contributing Resource is necessary to protect or to promote the health, safety or welfare of the citizens of Sacramento, including the need to eliminate or avoid blight or nuisance, and the benefits of demolition or relocation outweigh the potential effect on the achievement of the goals and policies of this Chapter.
- C. Demolition or Relocation: For purposes of this Section, demolition or relocation shall mean the complete demolition or relocation of the entirety of the Landmark or Contributing Resource; or the partial demolition or relocation of a portion of a Landmark or Contributing Resource, including where partial demolition or relocation that is part of a Development Project to remodel or alter the Landmark or Contributing Resource, where the demolition or relocation affects or may affect a Significant Feature or Characteristic, or where the demolition or relocation is other than minor, inconsequential or insignificant and has the potential to affect the historical value of the Landmark or Contributing Resource.

15.124.360 Appeal. The decision of the Preservation Director shall be subject to appeal to the Board pursuant to Article VIII herein. The decision of the Board, including the decision of the Board on an appeal from the Preservation Director, shall be subject to appeal to the City Council pursuant to Article VIII herein.

15.124.370 Expiration of Approval. Whenever the Board or the Preservation Director approves the issuance of a demolition permit or a building permit for demolition and rights thereunder have not been exercised for a period of one hundred eighty (180) days from the effective date of issuance, said approval

shall expire and said permit is void notwithstanding any other provision of the Sacramento City Code to the contrary. For purposes of this Section, the term "exercise of rights" shall mean substantial expenditures in good faith reliance upon said permit. The burden of proof in showing substantial expenditures in good faith reliance upon said permit shall be placed upon the permit holder.

15.124.380 City Projects.

- A. General: Except as provided below, the provisions of this Chapter 15.124 requiring hearing(s) before the Board or the Preservation Director shall apply to Development Projects involving, or requests for demolition or relocation of, Landmarks, Contributing Resources or Non-Contributing Resources which are owned by the City of Sacramento, including public projects within the Old Sacramento National Historic Landmark, Historic District; provided that the Board or Director shall make a recommendation to the City Council or other City decision-making body, entity or person, rather than issuing a decision. When acting on City projects, the City Council or other City decision-making body, entity or person shall apply the same standards, and make the same findings, required by this Chapter for private projects.
- B. Exception: The Council may, by resolution or ordinance, exempt from review by the Director or Board individual City projects or categories of City projects.

Article VII Dangerous Buildings and Immediately Dangerous Buildings, Structures or Resources

15.124.390 Notice to Preservation Director. The Building Official, and designees, shall notify the Preservation Director upon designation of any of the following as a substandard, dangerous, or immediately dangerous building, structure or resource: any Listed Historical Resource, any resource in a Historic District, any Nominated Resource, any California Register Resource, or any National Register Resource.

15.124.400 Reports to Board. The Secretary of the Housing Code Advisory and Appeals Board and the Building Official shall forward to the Board Secretary all notices and orders involving any Listed Historic Resource within ten (10) days of any such notices or orders.

15.124.410 Demolition of Landmarks and Resources Within Historic Districts. The provisions of this Chapter shall not be construed to regulate, restrict, limit or modify the authority of the City and the Building Official or his or her designee(s) as specified below, to issue demolition or other permits under the Building Code set forth in Title 15 of the Sacramento City Code for the abatement of Listed Historic Resources determined to be immediately dangerous, pursuant to the summary procedures set forth in Chapter 8.96 of Title 8 of the Sacramento City Code; provided that, prior to approval of a demolition permit for the demolition of a Listed Historic Resource determined to be immediately dangerous, the Building Official or in his or her absence, the Code Enforcement Manager, or in the Code Enforcement Manager's absence his or her designee as specified below, shall comply with the review and consultation process specified herein.

- A. The person serving as Building Official shall personally issue any permits authorizing the demolition of structure(s) or other resource(s) on the Sacramento Register determined to be immediately dangerous after complying with the review and consultation process specified herein; provided that if the person serving as Building Official is absent or otherwise unavailable, then the Code Enforcement Manager his or her designee, shall be responsible for issuing any permits authorizing the demolition of a Listed Historic Resource determined to be immediately dangerous after complying with the review and consultation process specified below.
- B. The Building Official, Code Enforcement Manager or designee specified, may issue a permit authorizing the demolition of a Listed Historic Resource determined to be immediately dangerous; provided that prior to issuing the demolition permit, the Building Official or designee shall first consult with the Preservation Director and the Chairperson of the Board for the purpose of discussing (i) whether the condition of the structure(s) or other resource(s) is immediately dangerous within the meaning of the Sacramento City Code; and (ii) whether there are any feasible alternatives to demolition that will protect adequately the health and safety of the public, including but not limited to abatement of the immediate threat through repair as specified in Chapters 8.96 and 8.100 of Title 8 of the Sacramento City Code, securing the premises through security fencing or other measures, stabilization, and limited demolition; and provided further that if the Building Official or designee determines that the structure is immediately dangerous and that there is no feasible alternative to demolition to abate the immediate and present threat to life, health or safety of the public, the Building Official, Code Enforcement Manager, or designee may issue a permit authorizing the demolition of the structure without complying with the consultation process, although the Building Official, Code

Enforcement Manager or designee, shall make all reasonable efforts to comply with the consultation process before issuing such permit.

15.124.420 Lawful Demolition, Removal, or Disturbing of Listed Historic Resource; Deletion; Restrictions.

- A. When an individually listed Landmark on the Sacramento Register, or portion thereof, has been lawfully demolished, removed, or disturbed pursuant to any provisions of this Chapter, the City Clerk upon notice from the Preservation Director, shall cause such Landmark, or portion thereof, to be deleted from the Sacramento Register. Upon deletion, the provisions of this Chapter shall not be considered to encumber any remaining property on which the Landmark was located. Landmark(s) in which a majority of the Significant Feature(s) and Characteristic(s) are destroyed by natural disaster(s), acts of God or other similar events not attributable to the willful or intentional action of the owner or owner's agent, shall be considered lawfully demolished, removed, or disturbed for the purposes of this Section.
- B. When a Listed Historic Resource in a Historic District, or portion thereof, has been lawfully demolished, removed, or disturbed pursuant to any provisions of this Chapter, the City Clerk upon notice thereof, shall cause such Listed Historic Resource, or portion thereof, to be downgraded to a non-contributing resource in the Historic District. Listed Historic Resource(s) in a Historic District in which a majority of the Significant Feature(s) and Characteristic(s) are destroyed by natural disaster(s), acts of God or other similar events not attributable to the willful or intentional action of the owner or owner's agent shall be considered lawfully demolished, removed, or disturbed for the purposes of this Section.

Article VIII Appeals

15.124.430 Finality of Board and Preservation Director Decisions. Any decision or order of the Board or Preservation Director under this Chapter shall become final if no appeal is taken from such order or decision within the time limits prescribed by the applicable appeal provisions of this Chapter. No permit regulated by the provisions of this Chapter shall issue, nor shall any rights therein vest, until the decision of the Board or Preservation Director is final or any appeal therefrom is disposed of the manner prescribed by this Chapter.

15.124.440 Appeal of Preservation Director Actions. Except as expressly provide otherwise herein, any person dissatisfied with any decision of the Preservation Director under this Chapter may appeal the decision to the Board not later than ten (10) days after the issuance of the Preservation Director's notice of decision and findings. Such appeal is taken by filing a notice of appeal with the Board Secretary and paying an appeal fee as established by the City Council. Upon receipt of a timely appeal, the Board Secretary shall forthwith transmit to the Board chairperson all papers and documents on file with the Preservation Director relating to the appeal. Notice of the hearing before the Board shall be given in the manner specified in Section 15.124.330 provided that, to the extent that Section 15.124.330 does not otherwise require that notice be given to the appellant(s), written notice shall be given to the appellant(s).

15.124.450 Appeal of Board Actions. Except as expressly provide otherwise herein, any person dissatisfied with any decision of the Board under this Chapter, including any decision on an appeal of a decision of the Preservation Director, may appeal that decision to the City Council not later than ten (10) days after the date of the Board's notice of decision and findings. Such appeal is taken by filing a notice of appeal with the Board Secretary and paying an appeal fee as established by the City Council. Upon receipt of a timely appeal, the Board Secretary shall forthwith transmit to the City Clerk Board chairperson all papers and documents on file with the Preservation Director relating to the appeal. Notice of the hearing before the Board shall be given in the manner specified in Section 15.124.330; provided that, to the extent that Section 15.124.330 does not otherwise require that notice be given to the appellant(s), written notice shall be given to the appellant(s).

Article IX Preservation Incentives

15.124.460 Incentive Programs. The Board is authorized to develop and implement preservation incentive programs that are consistent with this Chapter.

15.124.470 California State Historical Building Code. The Building Official is authorized to use and shall use the State Historical Building Code for projects involving Landmarks and Contributing Resources. The Board and the Preservation Director are authorized to and shall utilize the State Historical Building Code for Preservation Projects.

15.124.480 Mills Act Contracts.

- A. Mills Act contracts granting property tax relief shall be made available by the City of Sacramento only to owners of properties listed in the Sacramento Register (either as Landmarks or as Contributing

Resources within Historic Districts), as well as properties located within the City of Sacramento that are listed in: the National Register of Historic Places (either as individual listings or as contributing properties within National Register historic districts); or the California Register of Historical Places. Properties that have been previously listed on the above-mentioned register(s), but that have been removed from the register(s) and are no longer listed, shall not be eligible for a Mills Act contract with the City.

- B. Mills Act contracts shall be made available pursuant to California law. The Preservation Director shall make available appropriate Mills Act application materials.
- C. Mills Act contract applications shall be made to the Preservation Director, who shall, within sixty (60) days of receipt of a completed application, prepare and make recommendations on the contents of the contract for consideration by the City Council. A fee for the application, to cover all or portions of the costs of the preparation of the contract in the amounts set by City Council Resolution may be charged.
- D. The City Council shall, in public hearing, resolve to approve, approve with conditions, or deny the proposed contract. Should the City Council fail to act on the proposed contract within one (1) year of its receipt of the proposal, the proposal shall be deemed denied.
- E. A Mills Act contract application that has failed to be approved by the City Council cannot be resubmitted for one (1) year from the date of City Council action, or where the Council fails to take action, within one year from the date that the application is deemed denied pursuant to (d) above.

Article X Minimum Maintenance Requirements

15.124.490 Minimum Maintenance Requirements. The owner, lessee or other person legally in possession of a Listed Historic Resource shall comply with all applicable codes, laws and regulations governing the maintenance of property. Additionally, it is the intent of this section to preserve from deliberate or inadvertent neglect the exterior features of Listed Historic Resources and the interior portions thereof when such maintenance is necessary to prevent deterioration and decay of the exterior. Listed Historic Resources shall be preserved against such decay and deterioration and shall remain free from structural defects through prompt corrections of any of the following defects:

- A. Facades which may fall and injure members of the public or property;
- B. Deteriorated or inadequate foundation, defective or deteriorated flooring or floor supports, deteriorated walls or other vertical structural supports;
- C. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration;
- D. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors;
- E. Defective or insufficient weather protection for exterior wall covering, including lack of paint or other protective covering;
- F. Any fault or defect in the building which renders it not properly watertight or structurally unsafe.

Article XI Enforcement and Penalties

15.124.500 Application of Chapter and Enforcement Powers. The Code Enforcement Manager and Building Official, and designees, are hereby authorized to enforce the provisions of this Chapter, and, in addition to all other powers available to them, are specifically authorized to utilize the provisions of Chapter 1.28 of Title 1 of the Sacramento City Code in the enforcement of this Chapter. The City Attorney is authorized to take such legal actions as are lawfully available, including but not limited to the remedies set forth in Chapter 1.28 of Title 1 of the City Code.

15.124.510 Prohibitions.

- A. No person shall cause, willfully or otherwise, by action or inaction, alteration of, environmental change to, damage to or demolition of any significant Feature(s) or Characteristic(s) of a Landmark or all or portion of a Historic District, or other Listed Historic Resource, or National Register Resource or California Register Resource without first having obtained a proper City authorization for same.
- B. For purposes of this Chapter, each daily violation shall be considered a new and separate offense.
- C. Willful violation of this Chapter shall constitute a misdemeanor.

15.124.520 Additional Penalties. The penalties provided for in this Chapter are designated as non-exclusive, and are in addition to any other remedies the City may have.

Article XII General Provisions

15.124.530 Judicial Review. Judicial review of any final decision under this Chapter shall be filed within thirty (30) days of the date of the decision, and review shall be pursuant to Section 1094.5 of the Code of Civil Procedure.

15.124.540 Fees. The City Council may, by resolution, establish the fee(s) for submission of the Nomination, and all other applications and submission s made pursuant to this Chapter. In the absence of a City Council resolution, the Preservation Director may establish the fee and charge schedule.

15.124.550 City Code References. All references in this Chapter to sections of the City Code shall incorporate those sections as such sections may be amended from time to time.

15.124.560 Severability. Should any section or other portion of this Chapter be determined unlawful or unenforceable by a court of competent jurisdiction, the remaining section(s) and portion(s) of this Chapter shall be considered severable and shall remain in full force and effect.

City of Santa Monica (1991)

Article 9 Planning and Zoning

Chapter 9.36 Landmarks and Historic Districts

9.36.010 Title. This Chapter shall be known as the Landmark and Historic District Ordinance of the City of Santa Monica. (Prior code § 9600; added by Ord. No. 1028CCS, adopted 3/24/76; amended by Ord. No. 1590CCS § 1, adopted 7/23/91)

9.36.020 Purpose. It is hereby declared as a matter of public policy that the purpose of this Chapter is to promote the public health, safety and general welfare by establishing such procedures and providing such regulations as are deemed necessary to:

- a. Protect improvements and areas which represent elements of the City's cultural, social, economic, political and architectural history.
- b. Safeguard the City's historic, aesthetic and cultural heritage as embodied and reflected in such improvements and areas.
- c. Foster civic pride in the beauty and noble accomplishments of the past.
- d. Protect and enhance the City's aesthetic and historic attractions to residents, tourists, visitors and others, thereby serving as a stimulus and support to business and industry.
- e. Promote the use of Landmarks, Structures of Merit and Historic Districts for the education, pleasure and welfare of the people of this City. (Prior code § 9601; added by Ord. No. 1028CCS, adopted 3/24/76; amended by Ord. No. 1590CCS § 1, adopted 7/23/91)

9.36.030 Definitions. As used in this Chapter, the following words and phrases shall have the meaning set forth herein, unless it is apparent from the context that a different meaning is intended:

Certificate of Appropriateness: A certificate issued by the Landmarks Commission approving such plans, specifications, statements of work, and any other information which is reasonably required by the Landmarks Commission to make a decision on any proposed alteration, restoration, construction, removal, relocation or demolition, in whole or in part, of or to a Structure of Merit, Landmark or Landmark Parcel, or to a building or structure within a Historic District.

Contributing Building or Structure: A building or structure which has been identified by the Landmarks Commission as one which contributes to the designation of an area as a Historic District.

Exterior Features: The architectural style, design, general arrangement, components and natural features or all of the outer surfaces of an improvement, including, but not limited to, the kind, color and texture of the building material, the type and style of all windows, doors, lights, signs, walls, fences and other fixtures appurtenant to such improvement, and the natural form and appearance of, but not by way of limitation, any grade, rock, body of water, stream, tree, plant, shrub, road, path, walkway, plaza, fountain, sculpture or other form of natural or artificial landscaping.

Historic District: Any geographic area or noncontiguous grouping of thematically related properties which the City Council has designated as and determined to be appropriate for historical preservation pursuant to the provisions of this Chapter.

Improvement: Any building, structure, place, site, work of art, landscape feature, plantlife, life-form, scenic condition or other object constituting a physical betterment of real property, or any part of such betterment.

Landmark: Any improvement which has been designated as and determined to be appropriate for historical preservation by the Landmarks Commission, or by the City Council on appeal, pursuant to the provisions of this Chapter.

Landmark Parcel: Any portion of real property, the location and boundaries as defined and described by the Landmarks Commission, upon which a Landmark is situated, which is determined by the Landmarks Commission as requiring control and regulation to preserve, maintain, protect or safeguard the Landmark.

Structure Of Merit: Any improvement which has been designated as and determined to be appropriate for official recognition by the Landmarks Commission pursuant to the provisions of this Chapter. (Prior code § 9602; added by Ord. No. 1028CCS, adopted 3/24/76; amended by Ord. No. 1590CCS § 1, adopted 7/23/91)

9.36.040 Landmarks Commission. A Landmarks Commission is hereby established which shall consist of seven members appointed by the City Council, all of whom shall be residents of the City over eighteen years of age. Of the seven members, at least one shall be a registered architect, at least one shall be a person with demonstrated interest and knowledge, to the highest extent practicable, of local history, at least one shall have a graduate degree in architectural history or have demonstrated interest, knowledge and practical or professional experience to the highest extent practicable of architectural history and at least one shall be a California real estate licensee. The Director of Planning, or his or her designated representative, shall act as the Secretary of the Commission and shall maintain a record of all resolutions, proceedings, and actions of the Commission. (Prior code § 9603; added by Ord. No. 1028CCS, adopted 3/24/76; amended by Ord. No. 1590CCS § 1, adopted 7/23/91)

9.36.050 Vacancies. In the event of a vacancy occurring during the term of a member of the Landmarks Commission, the City Council shall make an interim appointment to fill the unexpired term of such member, and where such member is required to have special qualifications pursuant to Section 9.36.040, such vacancy shall be filled by interim appointment with a person possessing such qualifications. (Prior code § 9604; added by Ord. No. 1028CCS, adopted 3/24/76; amended by Ord. No. 1590CCS § 1, adopted 7/23/91)

9.36.060 Powers. In addition to any other powers set forth in this Chapter, the Landmarks Commission shall have the power to:

- a. Designate Structures of Merit, Landmarks and Landmark Parcels, and to make any preliminary or supplemental designations, determinations or decisions, as additions thereto, in order to effectuate the purposes of this Chapter.
- b. Conduct studies and evaluations of applications requesting the designation of a Historic District, make determinations and recommendations as such appropriateness for consideration of such applications, and make any preliminary or supplemental designations, determinations or decisions, as additions thereto, in order to effectuate the purposes of this Chapter.
- c. Regulate and control the alteration, restoration, construction, removal, relocation or demolition, in whole or in part, of or to a Structure of Merit, a Landmark or Landmark Parcel, or of or to a building or structure within a Historic District, and make any preliminary or supplemental designations, determinations, decisions, as additions thereto, in order to effectuate the purposes of this Chapter.
- d. Adopt, promulgate, amend, and rescind, from time to time, such rules and regulations as it may deem necessary to effectuate the purposes of this Chapter.
- e. Maintain a current listing and description of designated Structures of Merit, Landmarks and Historic Districts.
- f. Provide for a suitable sign, plaque or other marker, at public or private expense, on or near a Landmark or Historic District, indicating that the Landmark or Historic District has been so designated. The sign, plaque or other marker shall contain information and data deemed appropriate by the Commission, and the placement of such shall be mandatory in the case of a Landmark held open to the public use, and shall be at the discretion of the owner of the Landmark in the case of a Landmark not held open to the public use.
- g. Participate in the environmental review procedures called for under this Chapter or under the California Environmental Quality Act by providing such comments as the Commission deems appropriate. (Prior code § 9605; added by Ord. No. 1028CCS, adopted 3/24/76; amended by Ord. No. 1590CCS § 1, adopted 7/23/91)

9.36.070 Jurisdiction. Unless a certificate of appropriateness has been issued by the Landmarks Commission, or by the City Council upon appeal, or unless an express exemption as provided for in this Chapter specifically applies, any alteration, restoration, construction, removal, relocation, or demolition, in whole or in part, of or to a Structure of Merit, Landmark or Landmark Parcel, or of or to a building or structure within a Historic District is prohibited, and no permit authorizing any such alteration, restoration,

construction, removal, relocation or demolition shall be granted by any Department of the City. (Prior code § 9606; added by Ord. No. 1028CCS, adopted 3/24/76; amended by Ord. No. 1590CCS § 1, adopted 7/23/91)

Section 9.36.080 Structure of Merit criteria. For the purposes of this Chapter, an improvement may be designated a Structure of Merit if the Landmarks Commission determines that it merits official recognition because it has one of the following characteristics:

- a. The structure has been identified in the City's Historic Resources Inventory.
- b. The structure is a minimum of 50 years of age and meets one of the following criteria:
 1. The structure is a unique or rare example of an architectural design, detail or historical type.
 2. The structure is representative of a style in the City that is no longer prevalent.
 3. The structure contributes to a potential Historic District. (Prior code § 9606.1; added by Ord. No. 1590CCS § 1, adopted 7/23/91)

9.36.090 Structure of Merit designation procedure. Structures of Merit shall be designated by the Landmarks Commission in accordance with the following procedure:

- a. Any person may request the designation of an improvement as a Structure of Merit by properly filing with the Director of Planning an application for such designation on a form furnished by the Planning Department. Additionally, the Commission may file an application for the designation of a Structure of Merit on its own motion. Within thirty days of filing a Structure of Merit designation application, the property owner and tenants of the subject property shall be notified of the application filing.
- b. Upon proper filing of an application for designation of an improvement as a structure of merit, removal or demolition, in whole or in part, of or to a proposed Structure of Merit is prohibited, and no permit issued by any City Department, Board or Commission including, but not limited to, a conditional use permit, a tentative tract map, or tentative parcel map permit, a development review permit, any Zoning Administrator permit, architectural review, rent control permit, or building permit, authorizing any such removal or demolition shall be granted while any action on the application is pending.
- c. The Director of Planning shall conduct an evaluation of the proposed designation and shall make a recommendation to the Commission as to whether the structure merits such designation. A public hearing to determine whether the structure merits such designation shall be scheduled before the Landmarks Commission within ninety days of filing of an application.
- d. Not more than twenty days and not less than ten days prior to the date scheduled for a public hearing, notice of the date, time, place, and purpose thereof shall be given by at least one publication in a daily newspaper of general circulation, and shall be mailed to the applicant, owner of the improvement, and to all owners and occupants of all real property within three hundred feet of the exterior boundaries of the lot or lots on which a proposed Structure of Merit is situated, using for this purpose the names and addresses of such owners as are shown on the records of the City Clerk. The failure to send notice by mail to any such real property owner where the address of such owner is not a matter of public record shall not invalidate any proceedings in connection with the proposed designation. The Commission may also give such other notice as it may deem desirable and practicable.
- e. No later than ninety days from the filing of an application, the Commission shall approve, in whole or in part, or disapprove the application for the designation of a Structure of Merit. If the Commission fails to take action on the application for the designation of a Structure of Merit at the conclusion of the public hearing, the application for such designation shall be deemed disapproved, and it shall be the duty of the Director of Planning to certify such disapproval.
- f. The decision of the Commission shall be in writing and shall state the findings of fact and reasons relied upon to reach the decision, and such decision shall be filed with the Director of Planning.
- g. Upon the rendering of a decision to designate a Structure of Merit, the owner of the designated Structure of Merit shall be given written notification of such designation by the Commission, using for this purpose the name and address of such owner as is shown in the records of the City Clerk.
- h. Subject to other provisions of this Section 9.36.090 and 9.36.180 of this Chapter, a decision of the Commission to designate a Structure of Merit shall be in full force and i. The Commission shall have the power, after a public hearing, to amend, modify, or rescind any decision to designate a Structure of Merit and to make any preliminary or supplemental designations, determinations or decisions, as additions thereto.

- j. The Commission shall determine the instances in which cases scheduled for public hearing may be continued or take under advisement. In such instances, no new notice need be given of the further hearing date, provided such date is announced at the scheduled public hearing.
- k. Whenever an application for the designation of a Structure of Merit has been disapproved or deemed disapproved by the Commission, no application which contains the same or substantially the same information as the one which has been disapproved shall be resubmitted to or reconsidered by the Commission or City Council within a period of five years from the effective date of the final action upon such prior application. However, if significant new information is available, the City Council, upon recommendation from the Landmarks Commission, may waive the time limit by resolution and permit a new application to be filed. In addition, an application by the owner of the improvement proposed for Structure of Merit designation may be resubmitted or reconsidered notwithstanding said five year time period. (Prior code § 9606.2; added by Ord. No. 1590CCS § 1, adopted 7/23/91)

9.36.100 Landmark or Historic District designation criteria.

- a. For purposes of this Chapter, the Landmarks Commission may approve the landmark designation of a structure, improvement, natural feature or an object if it finds that it meets one or more of the following criteria:
 - 1. It exemplifies, symbolizes, or manifests elements of the cultural, social, economic, political or architectural history of the City.
 - 2. It has aesthetic or artistic interest or value, or other noteworthy interest or value.
 - 3. It is identified with historic personages or with important events in local, state or national history.
 - 4. It embodies distinguishing architectural characteristics valuable to a study of a period, style, method of construction, or the use of indigenous materials or craftsmanship, or is a unique or rare example of an architectural design, detail or historical type valuable to such a study.
 - 5. It is a significant or a representative example of the work or product of a notable builder, designer or architect.
 - 6. It has a unique location, a singular physical characteristic, or is an established and familiar visual feature of a neighborhood, community or the City.
- b. For the purposes of this Chapter, a geographic area or a noncontiguous grouping of thematically related properties may be designated a Historic District if the City Council finds that such area meets one of the following criteria:
 - 1. Any of the criteria identified in Section 9.36.100(a)(1) through (6).
 - 2. It is a noncontiguous grouping of thematically related properties or a definable area possessing a concentration of historic, scenic or thematic sites, which contribute to each other and are unified aesthetically by plan, physical development or architectural quality.
 - 3. It reflects significant geographical patterns, including those associated with different eras of settlement and growth, particular transportation modes, or distinctive examples of park or community planning.
 - 4. It has a unique location, a singular physical characteristic, or is an established and familiar visual feature of a neighborhood, community or the City. (Prior code § 9607; added by Ord. No. 1028CCS, adopted 3/24/76; amended by Ord. No. 1590CCS § 1, adopted 7/23/91)

9.36.110 Public spaces. For the purpose of this chapter, any interior space regularly open to the general public, including, but not limited to, a lobby area may be included in the landmark designation of a structure or structures if the Landmarks Commission, or the City Council upon appeal, finds that such public spaces meet one or more of the criteria listed under Section 9.36.100. (Prior code § 9607.1; added by Ord. No. 1590CCS § 1, adopted 7/23/91)

9.36.120 Landmark designation procedure. Landmarks shall be designated by the Landmarks Commission in accordance with the following procedure:

- a. Any person of the City may request the designation of an improvement as a Landmark by properly filing with the Director of Planning an application for such designation on a form furnished by the Planning Department. Additionally, the Commission may file an application for the designation of a Landmark on its own motion. Within thirty days of filing a landmark designation application, the property owner and tenants of the subject property shall be notified of the filing of such application.
- b. The Director of Planning shall conduct an evaluation of the proposed designation and shall make a recommendation to the Commission as to whether the application is appropriate for formal consideration. A hearing to determine whether the structure merits formal consideration shall be scheduled within sixty days of filing of an application. If the Commission determines that the

application merits consideration, but only if it so determines, it shall schedule a public hearing within forty-five days of such determination. Any determination of the Commission to schedule or not to schedule a public hearing shall be in writing and shall be filed with the Director of Planning.

- c. Upon a determination by the Commission that the application merits formal consideration by the Commission and the scheduling of a public hearing thereto, any alteration, restoration, construction, removal, relocation or demolition, in whole or in part, of or to a proposed Landmark or Landmark Parcel is prohibited, and no permit issued by any City Department, board or commission, including, but not limited to, a conditional use permit, a tentative tract map or tentative parcel map permit, a development review permit, any Zoning Administrator permit, Architectural Review Board approval, certificate of appropriateness permit, rent control permit, or building permit, authorizing any such alteration, restoration, construction, removal, relocation or demolition shall be granted while a public hearing or any appeal related thereto is pending.
- d. Not more than twenty days and not less than ten days prior to the date scheduled for a public hearing, notice of the date, time, place and purpose thereof shall be given by at least one publication in a daily newspaper of general circulation, and shall be mailed to the applicant, owner of the improvement, and to all owners and residents of all real property within three hundred feet of the exterior boundaries of the lot or lots on which a proposed Landmark is situated, using for this purpose the names and addresses of such owners as are shown on the records of the City Clerk. The failure to send notice by mail to any such real property owner where the address of such owner is not a matter of public record shall not invalidate any proceedings in connection with the proposed designation. The Commission may also give such other notice as it may deem desirable and practicable.
- e. At the conclusion of a public hearing, or any continuation thereof, but in no case more than forty-five days from the date set for the initial public hearing, the Commission shall approve, in whole or in part, or disapprove the application for the designation of a Landmark, and define and describe an appropriate Landmark Parcel. If the Commission fails to take action on the application for the designation of a Landmark within the forty-five day time period, the application for such designation shall be deemed disapproved, and it shall be the duty of the Director of Planning to certify such disapproval.
- f. The decision of the Commission shall be in writing and shall state the findings of fact and reasons relied upon to reach the decision, and such decision shall be filed with the Director of Planning.
- g. The Commission shall have the power, after a public hearing, whether at the time it renders such decision to designate a Landmark or at any time thereafter, to specify the nature of any alteration, restoration, construction, removal, relocation or demolition of or to a Landmark or Landmark Parcel which may be performed without the prior issuance of a certificate of appropriateness pursuant to this Chapter. The Commission shall also have the power, after a public hearing, to amend, modify or rescind any specification made pursuant to the provisions of this subsection.
- h. Upon the rendering of such decision to designate a Landmark, the owner of the designated Landmark shall be given written notification of such designation by the Commission, using for this purpose the name and address of such owner as is shown in the records of the City Clerk.
- i. Subject to other provisions of this Section 9.36.120 and Section 9.36.180 of this Chapter, a decision of the Commission to designate a Landmark shall be in full force and effect from and after the date of the rendering of such decision by the Commission.
- j. The Commission shall have the power, after a public hearing, to amend, modify or rescind any decision to designate a Landmark or Landmark Parcel and to make any preliminary or supplemental designations, determinations or decisions, as additions thereto.
- k. The Commission shall determine the instances in which cases scheduled for public hearing may be continued or taken under advisement. In such instances, no new notice need be given of the further hearing date, provided such date is announced at the scheduled public hearing.
- l. Whenever an application for the designation of a Landmark has been disapproved or deemed disapproved by the Commission, or by the City Council on appeal, no application which contains the same or substantially the same information as the one which has been disapproved shall be resubmitted to or reconsidered by the Commission or City Council within a period of five years from the effective date of the final action upon such prior application. However, if significant new information is available, the City Council, upon recommendation from the Landmarks Commission, may waive the time limit by resolution and permit a new application to be filed. In addition, an

application of the owner of the subject improvement proposed for Landmark designation may be resubmitted or reconsidered notwithstanding said five year time period. (Prior code § 9608; added by Ord. No. 1028CCS, adopted 3/24/76; amended by Ord. No. 1083CCS, adopted 2/28/78; Ord. No. 1590CCS § 1, adopted 7/23/91)

9.36.130 Historic District designation procedure. Historic Districts shall be designated by the City Council in accordance with the following procedure:

- a. Any person may request the designation of an area as a Historic District by properly filing with the Director of Planning an application for such designation on a form furnished by the Planning Department. Additionally, the Landmarks Commission may file an application for the designation of a Historic District on its own motion.
- b. The Director of Planning shall conduct a preliminary evaluation of the proposed designation and shall make a recommendation to the Commission as to the appropriateness and qualification of the application for consideration by the Commission within ninety days after the proper filing of the application.
- c. A hearing to determine whether the application for such designation merits formal consideration shall be scheduled within ninety days after the preliminary evaluation is transmitted to the Commission. Notice of the hearing on the preliminary evaluation shall be mailed to the property owners and tenants of all properties located within the boundaries of the proposed district not more than twenty and not less than ten days prior to the date scheduled for such hearing. If the Commission fails to take action on the preliminary evaluation within the ninety day time period, the application for such designation shall be deemed disapproved and it shall be the duty of the Director of Planning to certify such disapproval.
- d. If the Commission determines that the application merits formal consideration by the Commission, but only if it so determines, it shall schedule a public hearing to be held within forty-five days of such determination. Any determination of the Commission to schedule or not to schedule a public hearing shall be in writing and shall be filed with the Director of Planning.
- e. Upon a determination by the Commission that the application merits formal consideration by the Commission and the scheduling of a public hearing thereto, any alteration, restoration, construction, removal, relocation or demolition, in whole or in part, of or to a building or structure within a proposed Historic District is prohibited, and no permit issued by any City Department, board or commission including a conditional use permit, a tentative tract map or parcel map permit, a final tract map or parcel map permit, a development review permit, any Zoning Administrator permit, architectural review permit, rent control permit, or building permit authorizing any such alteration, restoration, construction, removal, relocation or demolition shall be granted while a public hearing or any appeal related thereto is pending.
- f. Any person subject to Section 9.36.130(e) may apply to the Director of Planning, and to the Landmarks Commission, on appeal, for an exception. Exceptions may be granted for repairs or alterations which do not involve any detrimental change or modification to the exterior of the structure in question or for actions which are necessary to remedy emergency conditions determined to be dangerous to life, health or property.
- g. Not more than twenty days and not less than ten days prior to the date scheduled for such public hearing, notice of the date, time, place and purpose thereof shall be given by at least one publication in a daily newspaper of general circulation, and shall be mailed to the applicant, owners of all real property within the proposed Historic District and to the owners and residents of all real property within three hundred feet of the exterior boundary of the Historic District, using for this purpose the names and addresses of such owners as are shown on the records of the City Clerk. The failure to send notice by mail to any such real property owner where the address of such owner is not a matter of public record shall not invalidate any proceedings in connection with the proposed designation. The Commission may also give such other notice as it may deem desirable and practicable.
- h. At the conclusion of a public hearing, or any continuation thereof, but in no case more than forty-five days from the date set for the initial public hearing, the Commission shall recommend to the City Council the approval, in whole or in part, or disapproval of the application for the designation of a Historic District, and shall forward such recommendation to the City Council stating in writing the findings of fact and reasons relied upon in reaching such a recommendation. If the Commission fails to take action on the application for the designation of a Historic District within the forty-five day time

period, the application for such designation shall be deemed disapproved, and it shall be the duty of the Director of Planning to certify such disapproval.

- i. Within forty-five days from the date the Landmarks Commission renders a recommendation on the Historic District application, a public hearing shall be scheduled before the City Council. The same notice requirements set forth in subsection (g) of this Section shall apply to the hearing before the City Council. At the conclusion of the public hearing, or any continuation thereof, but in no case more than forty-five days from the date set for the initial public hearing, the City Council shall by ordinance approve, in whole or in part, the application for the designation of the Historic District, or shall by motion disapprove the application in its entirety. If the City Council fails to take action on the application for the designation of a Historic District within the forty-five day time period, the application for such designation shall be deemed disapproved, and it shall be the duty of the City Clerk to certify such disapproval.
- j. The decision of the City Council to approve the application for the designation of a Historic District, in whole or in part, by ordinance, or to disapprove the application in its entirety by motion, shall be in writing and shall state the findings of fact and reasons relied upon to reach the decision, and such decision shall be filed with the City Clerk.
- k. The City Council shall by ordinance have the power, after a public hearing, whether at the time it renders a decision to designate a Historic District or at any time thereafter, to specify the nature of any alteration, restoration, construction, removal, relocation or demolition of or to a building or structure within a Historic District which may be performed without the prior issuance of a certificate of appropriateness pursuant to this Chapter. The City Council shall by ordinance also have the power after a public hearing to amend, modify or rescind any specification made pursuant to the provisions of this subsection.
- l. Upon the rendering of such decision to designate a Historic District, the owners of all real property within the designated Historic District shall be given written notification of such designation by the City Council, using for this purpose the names and addresses of such owners as are shown in the records of the City Clerk.
- m. Subject to other provisions of this Section 9.36.130, a decision of the City Council to designate a Historic District shall be in full force and effect from and after the effective date of the ordinance approving, in whole or in part, the application for the designation of a Historic District.
- n. The City Council shall by ordinance have the power, after a public hearing, to amend, modify or rescind any decision to designate a Historic District and to make any preliminary or supplemental designations, determinations or decisions, as additions thereto. The Commission shall have the power to forward the recommendations of the Commission to the City Council on its own motion or at the direction of the City Council.
- o. The City Council shall determine the instances in which cases scheduled for public hearing may be continued or taken under advisement. In such instances, no new notice need be given of the further hearing date, provided such date is announced at the scheduled public hearing.
- p. Whenever an application for the designation of a Historic District has been disapproved or deemed disapproved by the Commission or the City Council, no application which contains the same or substantially the same information as the one which has been disapproved shall be resubmitted to or reconsidered by the Commission or City Council within a period of five years from the effective date of the final action upon such prior application. However, if significant new information is available, the City Council, upon recommendation from the Landmarks Commission, may waive the time limit by resolution and permit a new application to be filed. In addition, an application of all owners of the majority of parcels within the subject area proposed for Historic District designation, may be resubmitted or reconsidered notwithstanding said five year time period. (Prior code § 9609; added by Ord. No. 1028CCS, adopted 3/24/76; amended by Ord. No. 1590CCS § 1, adopted 7/23/91)

9.36.140 Alterations and demolitions: Criteria for issuance of a certificate of appropriateness. For purposes of this Chapter, the Landmarks Commission, or the City Council on appeal, shall issue a certificate of appropriateness for any proposed alteration, restoration, construction, removal, relocation, demolition, in whole or in part, of or to a Landmark or Landmark Parcel, or of or to a building or structure within a Historic District if it makes a determination in accordance with any one or more of the following criteria.

- a. In the case of any proposed alteration, restoration, removal or relocation, in whole or in part, of or to a Landmark or to a Landmark Parcel, the proposed work would not detrimentally change, destroy or

adversely affect any exterior feature of the Landmark or Landmark Parcel upon which such work is to be done.

- b. In the case of any proposed alteration, restoration, construction, removal or relocation, in whole or in part, of or to a building or structure within a Historic District, the proposed work would not be incompatible with the exterior features of other improvements within the Historic District, not adversely affect the character of the Historic District for which such Historic District was designated, or not be inconsistent with such further standards as may be embodied in the ordinance designating such Historic District. For any proposed work to any building or structure whose exterior features are not already compatible with the exterior features of other improvements within the Historic District, reasonable effort shall be made to produce compatibility, and in no event shall there be a greater deviation from compatibility.
- c. In the case of any proposed construction of a new improvement upon a Landmark Parcel, the exterior features of such new improvement would not adversely affect and not be disharmonious with the exterior features of other existing improvements situated upon such Landmark Parcel.
- d. The applicant has obtained a certificate of economic hardship in accordance with Section 9.36.160.
- e. The Commission makes both of the following findings:
 - 1. That the structure does not embody distinguishing architectural characteristics valuable to a study of a period, style, method of construction or the use of indigenous materials or craftsmanship and does not display such aesthetic or artistic quality that it would not reasonably meet the criteria for designation as one of the following: National Historic Landmark, National Register of Historic Places, California Registered Historical Landmark, or California Point of Historical Interest.
 - 2. That the conversion of the structure into a new use permitted by right under current zoning or with a conditional use permit, rehabilitation, or some other alternative for preserving the structure, including relocation within the City, is not feasible.
- f. In the case of any proposed alteration, restoration, removal or relocation, in whole or in part, to interior public space incorporated in a landmark designation pursuant to Section 9.36.110, the proposed work would not detrimentally change, destroy or adversely affect any interior feature of the landmark structure. (Prior code § 9610; added by Ord. No. 1028CCS, adopted 3/24/76; amended by Ord. No. 1083CCS, adopted 2/28/78; Ord. No. 1590CCS § 1, adopted 7/23/91)

9.36.150 Certificate of appropriateness for structures of merit.

- a. A certificate of appropriateness shall not be required for the alteration, restoration, construction or relocation of a Structure of Merit. However, the Architectural Review Board or the Planning Commission shall take into consideration the fact that the building has been designated a Structure of Merit in reviewing any permit concerning such structure.
- b. Application for a certificate of appropriateness for the demolition of a Structure of Merit shall be made on a form furnished by the Planning Division. An application shall be processed in accordance with the same procedures set forth in Sections 9.36.170 and 9.36.180 of this Code.
- c. In an effort to agree to a means of historically preserving a Structure of Merit proposed for demolition, the Landmarks Commission shall have the following powers:
 - 1. During a one hundred and eighty day time period commencing from proper filing of an application for certificate of appropriateness, the Commission may negotiate with the owner of a Structure of Merit, or with any other parties, in an effort to agree to a means of historically preserving the designated property. The negotiations may include, but are not limited to, acquisition by gift, purchase, exchange, condemnation or otherwise of the Structure of Merit.
 - 2. Notwithstanding any of the foregoing, the Commission shall have the power to extend the required one hundred and eighty day time period to a duration not to exceed a three hundred and sixty day time period in any case where the Commission determines that such an extension is necessary or appropriate for the continued historical preservation of a Structure of Merit. (Prior code § 9610.1; added by Ord. No. 1590CCS § 1, adopted 7/23/91)

9.36.160 Certificate of economic hardship.

- a. Application for a certificate of economic hardship shall be made on a form furnished by the Planning Division. An application shall be processed in accordance with the same procedures set forth in Sections 9.36.170 and 9.36.180 of this Code.
- b. The Landmarks Commission may solicit expert testimony or require that the applicant for a certificate of economic hardship make submissions concerning any or all of the following information before it makes a determination on the application:

1. Estimate of the cost of the proposed construction, alteration, demolition or removal, and an estimate of any additional cost that would be incurred to comply with the recommendations of the Landmarks Commission for changes necessary for the issuance of a certificate of appropriateness. In connection with any such estimate, rehabilitation costs which are the result of the property owner's intentional or negligent failure to maintain the designated landmark or property in good repair shall not be considered by the Landmarks Commission in its determination of whether the property may yield a reasonable return to the owner.
 2. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation.
 3. Estimated market value of the property in its current condition; estimated market value after completion of the proposed construction, alteration, demolition or removal; estimated market value after any changes recommended by the Landmarks Commission; and, in the case of a proposed demolition, estimated market value after renovation of the existing property for continued use.
 4. In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.
 5. Amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer.
 6. If the property is income-producing, the annual gross income from the property for the previous two years; itemized operating and maintenance expenses for the previous two years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.
 7. If the property is not income-producing, projections of the annual gross income which could be obtained from the property in its current condition, in its rehabilitated condition, or under such conditions that the Landmarks Commission may specify.
 8. Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two years.
 9. All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing or ownership of the property.
 10. Any listing of the property for sale or rent, price asked, and offers received, if any, within the previous two years.
 11. Assessed value of the property according to the two most recent assessments.
 12. Real estate taxes for the previous two years.
 13. Form of ownership or operation of the property, whether sole proprietorship, for profit or not-for-profit corporation, limited partnership, joint venture or other.
 14. Any other information considered necessary by the Landmarks Commission to a determination as to whether the property does yield or may yield a reasonable return to the owners.
- c. In considering an application for a certificate of economic hardship, the Commission shall consider all relevant factors. In order to grant a certificate of economic hardship, the Landmarks Commission must make a finding that without approval of the proposed demolition or remodeling, all reasonable use of or return from a designated landmark or property within a Historic District will be denied a property owner. In the case of a proposed demolition, the Landmarks Commission must make a finding that the designated landmark cannot be remodeled or rehabilitated in a manner which would allow a reasonable use of or return from such landmark or property to a property owner.
- d. Upon a finding by the Commission that without approval of the proposed work, all reasonable use of or return from a designated landmark or property within a historic district will be denied a property owner, then the application shall be delayed for a period not to exceed one hundred twenty days. During this period of delay, the Commission shall investigate plans and make recommendations to the City Council to allow for a reasonable use of, or return from, the property, or to otherwise preserve the subject property. Such plans and recommendations may include, but are not limited to, provisions for relocating the structure, a relaxation of the provisions of the ordinance, a reduction in real property taxes, financial assistance, building code modifications and/or changes in zoning regulations.

- e. If, by the end of this one hundred twenty day period, the Commission has found that without approval of the proposed work, the property cannot be put to a reasonable use or the owner cannot obtain a reasonable economic return therefrom, then the Commission shall issue a certificate of economic hardship approving the proposed work. If the Commission finds otherwise, it shall deny the application for a certificate of economic hardship and notify the applicant by mail of the final denial. (Prior code § 9610.5; added by Ord. No. 1590CCS § 1, adopted 7/23/91)

9.36.170 Certificate of appropriateness/certificate of economic hardship procedure. An application for a certificate of appropriateness or an application for a certificate of economic hardship approving any proposed alteration, restoration, construction, removal, relocation, or demolition, in whole or in part, of or to a Landmark or Landmark Parcel, or of or to a building or structure within a Historic District shall be processed in accordance with the following procedure:

- a. Any owner of a Landmark, or of a building or structure within a Historic District, may request the issuance of a certificate of appropriateness or certificate of economic hardship by properly filing with the Director of Planning an application for such certificate of appropriateness or certificate of economic hardship on a form furnished by the Planning Division. Each application for a certificate of appropriateness or certificate of economic hardship shall include such plans, specifications, statements of work, and any other information which are reasonably required by the Landmarks Commission to make a decision on any such proposed work. An application shall be deemed complete within thirty days after the Planning Division receives a substantially complete application together with all information, plans, specifications, statements of work, and any other materials and documents required by the appropriate application forms supplied by the City. If, within the specified time period, the Planning Division fails to advise the applicant in writing that his or her application is incomplete and to specify additional information required to complete that application, the application shall automatically be deemed complete.
- b. The Director of Planning shall schedule a public hearing to be held within forty-five days of the date on which an application for a certificate of appropriateness or certificate of economic hardship and shall make a preliminary recommendation to the Commission on or before the date scheduled for a public hearing as to the appropriateness and qualification of the application for a certificate of appropriateness or certificate of economic hardship.
- c. Not more than twenty days and not less than ten days prior to the date scheduled for a public hearing, notice of the date, time, place and purpose thereof shall be given by at least one publication in a daily newspaper of general circulation, shall be mailed to the applicant, and to the owners and residents of all real property within three hundred feet of the exterior boundaries of the Landmark Parcel upon which a Landmark is situated in the case of any proposed work to a Landmark, or within three hundred feet of the exterior boundaries of the lot or lots on which a building or structure within a Historic District is situated in the case of any proposed work to a building or structure within a Historic District, using for this purpose the names and addresses of such owners as are shown on the records of the City Clerk. The failure to send notice by mail to any such real property owner where the address of such owner is not a matter of public record shall not invalidate any proceedings in connection with the proposed designation. The Commission may also give such other notice as it may deem desirable and practicable.
- d. The Commission shall have up to six months, or one year if the project requires an Environmental Impact Report, to render a decision on the certificate application. If the Commission does not render a decision within this time period, then the certificate application shall be automatically deemed approved. Notwithstanding the foregoing, the Commission may mutually agree with the applicant for a certificate of appropriateness or certificate of economic hardship to extend the six months or one year time period in which the Commission must take action to another time period which is mutually agreeable. The time period provided for in this Section shall be extended by the time period provided for in Section 9.36.160(d) when applicable.
- e. The decision of the Commission shall be in writing and shall state the findings of fact and reasons relied upon to reach the decision, and such decision shall be filed with the Director of Planning.
- f. Subject to the provisions of Section 9.36.180 of this Chapter, upon the rendering of such decision to approve an application for a certificate of appropriateness or certificate of economic hardship, the Commission shall issue the certificate of appropriateness or certificate of economic hardship within a reasonable period of time and such issued certificate of appropriateness or certificate of economic hardship may be obtained by the applicant from the Planning Division.

- g. Subject to other provisions of this Section 9.36.170 and Section 9.36.180 of this Chapter, a decision of the Commission shall be in full force and effect from and after the date of the rendering of such decision by the Commission. A certificate of economic hardship may be appealed to the City Council in the same manner and according to the same procedures as for a certificate of appropriateness.
- h. Subject to other provisions of this Section 9.36.170, a certificate of appropriateness or certificate of economic hardship shall be in full force and effect from and after the date of the issuance by the Commission. Any certificate of appropriateness or certificate of economic hardship issued pursuant to this Chapter shall expire of its own limitation within a one hundred eighty day time period. In addition, any such certificate of appropriateness or certificate of economic hardship shall also expire and become null and void if such work authorized is suspended or abandoned for a one hundred eighty day time period after being commenced.
- i. The Commission shall have the power, after a public hearing, to amend, modify or rescind any decision to approve, in whole or in part, an application for a certificate of appropriateness or certificate of economic hardship and to make any preliminary or supplemental designations, determinations or decisions, as additions thereto.
- j. The Commission shall determine the instances in which cases scheduled for public hearing may be continued or taken under advisement. In such instances, no new notice need be given of the further hearing date, provided such date is announced at the scheduled public hearing.
- k. The following rules shall limit the resubmittal of an application for a certificate of appropriateness or certificate of economic hardship:
 - 1. Whenever an application for a certificate of appropriateness or certificate of economic hardship for demolition has been disapproved or deemed disapproved by the Commission, or by the City Council on appeal, no application which is the same or substantially the same as the one which has been disapproved shall be resubmitted to or reconsidered by the Commission or City Council for a period of five years from the effective date of the final action upon the prior application. A certificate of appropriateness or certificate of economic hardship for demolition may be refiled at any time during the five year period provided that the applicant submits significant additional information which was not and could not have been submitted with the previous application. A refiled application shall be processed in the manner outlined in Section 9.36.170. Under this provision, should the applicant still seek to demolish the landmark structure after the five year period has expired, a new and separate certificate of appropriateness or certificate of economic hardship application would be required to be refiled. This application shall be subject to the same conditions as the prior application.
 - 2. Whenever an application for a certificate of appropriateness or certificate of economic hardship for other than demolition has been disapproved or deemed disapproved by the Commission, or by the City Council on appeal, no application which is the same or substantially the same as the one which has been disapproved shall be resubmitted to or reconsidered by the Commission or City Council within a period of one hundred eighty days from the effective date of the final action upon such prior application. A certificate of appropriateness or certificate of economic hardship for other than demolition may be refiled at any time during the one hundred eighty day period provided that the applicant submits significant additional information, which was not and could not have been submitted with the previous application. A refiled application shall be processed in the manner outlined in Section 9.36.170. Under this provision, should the applicant still seek approval for other than the demolition of a landmark structure after the one hundred eighty day period has expired, a new and separate certificate of appropriateness or certificate of economic hardship application would be required to be refiled. This application shall be subject to the same conditions as the prior application. (Prior code § 9611; added by Ord. No. 1028CCS, adopted 3/24/76; amended by Ord. No. 1429CCS, adopted 12/8/87; Ord. No. 1590CCS § 1, adopted 7/23/91)

9.36.180 Appeals. An appeal to the City Council of an action of the Landmarks Commission shall be processed in accordance with the following procedure:

- a. Each of the following actions by the Commission may be appealed to the City Council:
 - 1. A determination of the Commission that an application for the designation of a Landmark or of a Historic District does not merit formal consideration by the Commission, and a determination thereto not to schedule a public hearing.

2. A decision of the Commission, after a public hearing, to approve, in whole or in part, or disapprove an application for the designation of a Landmark.
 3. A decision of the Commission, after a public hearing, defining and describing an appropriate Landmark Parcel upon which a Landmark is situated.
 4. A determination of the Commission, after a public hearing, amending, modifying or rescinding any decision to designate a Landmark or Landmark Parcel, or any preliminary or supplemental designations, determinations or decisions, as additions thereto.
 5. A decision of the Commission to approve in whole or in part, or disapprove an application for a certificate of appropriateness.
 6. Any decision of the Commission relating to a structure of merit.
 7. The approval or disapproval of an application of a Landmark, Historic District, Structure of Merit, or certificate of appropriateness that occurred as a result of the expiration of the required time periods for processing such applications.
- b. Any person may appeal a determination or decision of the Commission by properly filing with the Director of Planning and the City Clerk a notice of appeal on a form furnished by the Planning Department. Such notice of appeal shall be filed with the Director of Planning and the City Clerk within a ten day time period commencing from the date that such determination or decision was filed with the Director of Planning or from the date an application is deemed approved or disapproved because of the failure to comply with any time period set forth in this Chapter. The notice of appeal shall be accompanied by a fee required by law. Notwithstanding any of the foregoing, any member of the Commission or City Council may request a review by the Commission or City Council of any determination or decision of the Commission without the accompaniment of such fee in the amount required by law.
 - c. The City Council shall schedule a public hearing to be held within forty-five days after the notice of appeal is properly filed with the Director of Planning and the City Clerk.
 - d. Not more than twenty days and not less than ten days prior to the date scheduled for a public hearing, notice of the date, time, place and purpose thereof shall be given by the Director of Planning by at least one publication in a daily newspaper of general circulation, and shall be mailed to the appellant, owner of the Landmark in the case of any action regarding a Landmark, owners of all real property within the Historic District in the case of any action regarding an entire Historic District, owners of all real property within three hundred feet of the exterior boundaries of the Landmark Parcel in the case of any action regarding a Landmark, owners of all real property within three hundred feet of the exterior boundaries of the Historic District in the case of any action regarding an entire Historic District, and to owners of all real property within three hundred feet of the exterior boundaries of the lots or lots on which a building or structure is located in the case of any action regarding a building or structure within a Historic District, using for this purpose the names and addresses of such owners as are shown on the records of the County Assessor. The failure to send notice by mail to any such real property where the address of such owner is not a matter of public record shall not invalidate any proceedings in connection with the proposed designation. The Commission or the City Council may also give such other notice as it may deem desirable and practicable.
 - e. At the conclusion of a public hearing, or any continuation thereof, but in no case more than thirty days from the date set forth the initial public hearing, the City Council shall render its decision on the notice of appeal and shall approve, in whole or in part, or disapprove the prior determination or decision of the Commission. If the City Council fails to take action on the notice of appeal within the thirty day time period, the notice of appeal shall be deemed disapproved, and it shall be the duty of the City Clerk to certify such disapproval.
 - f. The decision of the City Council shall be in writing and shall state the findings of fact and reasons relied upon to reach the decision, and such decision shall be filed with the Director of Planning and the City Clerk.
 - g. Upon the rendering of such decision by the City Council, the appellant and the owner of the Landmark in the case of a decision regarding a Landmark, the owners of all real property within the Historic District in the case of a decision regarding an entire Historic District, or the owner of a building or structure in the case of a building or structure within a Historic District shall be given written notification of such decision by the Director of Planning, using for this purpose the names and addresses of such owners as are shown in the records of the City Clerk. A decision of the City

Council on a notice of appeal shall be in full force and effect from and after the date of the rendering of such decision by the City Council. (Prior code § 9612; added by Ord. No. 1028CCS, adopted 3/24/76; amended by Ord. No. 1429CCS, adopted 12/8/87; Ord. No. 1590CCS § 1, adopted 7/23/91)

9.36.190 Maintenance and repair. Every owner, or person in charge, of a Landmark, or of a building or structure within a Historic District, shall have the duty of keeping in good repair all of the exterior features of such Landmark, or of such building or structure within a Historic District, and all interior features thereof which, if not so maintained, may cause or tend to cause the exterior features of such Landmark, or of such building or structure within a Historic District to deteriorate, decay, or become damaged, or otherwise to fall into a state of disrepair. All designated buildings or structures shall be preserved against such decay and be kept free from structural defects through the prompt repair of any of the following:

- a. Facades which may fall and injure members of the public or property.
- b. Deteriorated or inadequate foundation, defective or deteriorated flooring or floor supports, deteriorated walls or other vertical structural supports.
- c. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which age, split or buckle due to defective material or deterioration.
- d. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors.
- e. Defective or insufficient weather protection for exterior wall covering, including lack of paint or weathering due to lack of paint or other protective covering.
- f. Any fault or defect in the building which renders it not properly watertight or structurally unsafe.

This Section 9.36.190 of this Chapter shall be in addition to any and all other provisions of law requiring such Landmark, or such building or structure within a Historic District to be kept in good repair. (Prior code § 9613; added by Ord. No. 1028CCS, adopted 3/24/76; amended by Ord. No. 1590CCS § 1, adopted 7/23/91)

9.36.200 Unsafe or dangerous conditions. Nothing contained in this Chapter shall prohibit the making of any necessary alteration, restoration, construction, removal, relocation or demolition, in whole or in part, of or to a Landmark or Landmark Parcel, or of or to a building or structure within a Historic District pursuant to a valid order of any governmental agency or pursuant to a valid court judgment, for the purpose of remedying emergency conditions determined to be dangerous to life, health or property. A copy of such valid order of any governmental agency or such valid court judgment shall be filed with the Director of Planning and in such cases, no certificate of appropriateness from the Landmarks Commission shall be required. (Prior code § 9614; added by Ord. No. 1028CCS, adopted 3/24/76; amended by Ord. No. 1590CCS § 1, adopted 7/23/91)

9.36.210 Ordinary maintenance. Nothing contained in this Chapter shall be construed to prevent ordinary maintenance or repair of any exterior features of a Landmark, or of a building or structure within a Historic District which does not involve any detrimental change or modification of such exterior features. In such cases, the work must be approved by the Landmarks Commission Secretary and no certificate of appropriateness from the Landmarks Commission shall be required. The administrative determination is appealable to the Landmarks Commission and shall be filed and processed in the same manner as a certificate of appropriateness. Examples of this work shall include, but not be limited to, the following:

- a. Construction, demolition or alteration of side and rear yard fences.
- b. Construction, demolition or alteration of front yard fences, if no change in appearance occurs.
- c. Repairing or repaving of flat concrete work in the side and rear yards.
- d. Repaving of existing front yard paving, concrete work, and walkways, if the same material in appearance as existing is used.
- e. Roofing work, if no change in appearance occurs.
- f. Foundation work, if no change in appearance occurs.
- g. Chimney work, if no change in appearance occurs.
- h. Landscaping, unless the Landmark Designation specifically identifies the landscape layout, features, or elements as having particular historical, architectural, or cultural merit. (Prior code § 9615; added by Ord. No. 1028CCS, adopted 3/24/76; amended by Ord. No. 1590CCS § 1, adopted 7/23/91)

9.36.220 Map. All designations of Landmarks and any definitions and descriptions of a Landmark Parcel thereto, and all designations of Historic Districts, shall be recorded on a Landmark and Historic District map by the Director of Planning. (Prior code § 9616; added by Ord. No. 1028CCS, adopted 3/24/76; amended by Ord. No. 1590CCS § 1, adopted 7/23/91)

9.36.230 Voluntary restrictive covenants. Upon approval by the City Council, the owner of a Landmark may enter into a restrictive covenant with the City regarding such Landmark after negotiations with the Landmarks Commission. (Prior code § 9617; added by Ord. No. 1028CCS, adopted 3/24/76; amended by Ord. No. 1590CCS § 1, adopted 7/23/91)

9.36.240 Waiver. The Building Officer of the City shall have the power to vary or waive any provision of the Santa Monica Building, Electrical, Housing, Mechanical or Plumbing Codes, pursuant to such Codes, in any case which he determines that such variance or waiver does not endanger the public health or safety, and such action is necessary for the continued historical preservation of a Landmark. (Prior code § 9618; added by Ord. No. 1028CCS, adopted 3/24/76; amended by Ord. No. 1590CCS § 1, adopted 7/23/91)

9.36.250 Extension of certificate of appropriateness. The City Council, following recommendation from the Landmarks Commission, may extend by resolution the time period for exercising a certificate of appropriateness as provided for in Section 9.36.170(h) for a period of up to one hundred eighty days upon such terms and conditions as the City Council deems appropriate. An extended certificate of appropriateness may be extended in accordance with the provisions of this Section. An extended certificate of appropriateness shall expire if the work authorized thereby is not commenced by the end of the extension period. Except as otherwise provided for in this Section, all provisions of this Code applicable to a certificate of appropriateness shall apply to an extended certificate of appropriateness. (Prior code § 9619; added by Ord. No. 1028CCS, adopted 3/24/76; amended by Ord. No. 1590CCS § 1, adopted 7/23/91)

9.36.260 Recordation of landmarks and historic districts. All buildings or structures designated as Landmarks or as part of a Historic District pursuant to this Chapter shall be so recorded by the City in the office of the Los Angeles County Recorder. The document to be recorded shall contain the name of the owner or owners, a legal description of the property, the date and substance of the designation, a statement explaining that the demolition, alteration, or relocation of the structure is restricted, and a reference to this Section authorizing the recordation. (Prior code § 9620; added by Ord. No. 1348CCS, adopted 11/26/85; amended by Ord. No. 1590CCS § 1, adopted 7/23/91)

9.36.270 Preservation incentives.

- a. Architectural Review Exemption. All structures designated as landmarks and any contributing building or structure within a historic district that requires a certificate of appropriateness shall be exempt from review by the Architectural Review Board. The Landmarks Commission may refer any matter to the Architectural Review Board for comment.
- b. Building Permit and Planning Application Fees. All building permit and planning fees for Administrative Approval applications shall be waived for designated Landmarks or contributing structures located in a historic district.
- c. Certificate of Appropriateness Fees. All certificate of appropriateness fees for any alteration, restoration or construction, in whole or in part, to a designated Landmark or to a contributing structure located in a historic district shall be waived.
- d. Any parking incentives permitted by the Zoning Ordinance.
- e. Streetscape Improvements in Historic Districts. Whenever streetscape improvements are proposed by the City in areas that are designated historic districts, the City shall consider the use of materials, landscaping, light standards and signage that are compatible with the area's historic and architectural character.
- f. State Historical Building Code. The California State Historical Building Code (Title 24, Part 8, California Administrative Code) shall be applied to alterations to designated Structures of Merit, landmarks, and contributing structures located in historic districts.
- g. Historical Property Contracts. Designated Structures of Merit, landmarks and contributing structures located in historic districts that are privately owned shall be considered qualified historical properties eligible for historical property contracts submitted or entered into, pursuant to the provisions of Article 12, commencing with Section 50280, Chapter 1, Part 1, Division 1, Title 5, of the California Government Code upon resolution approval by the City Council. (Prior code § 9621; added by Ord. No. 1590CCS § 1, adopted 7/23/91)

9.36.280 CEQA time extensions. Any time periods set forth in this Chapter may be extended by the Director of Planning by such periods as are necessary to comply with the California Environmental Quality Act (CEQA). (Prior code § 9622; added by Ord. No. 1590CCS § 1, adopted 7/23/91)

9.36.290 The Third Street Neighborhood Historic District.

- a. The City Council has reviewed and considered the Historic District application for the Third Street Neighborhood, and has reviewed and considered the recommendation on the application transmitted from the Landmarks Commission.
- b. The City Council finds and declares that:
 1. The Third Street Neighborhood Historic District possesses aesthetic significance to Santa Monica in that the area displays a high percentage of original, turn of the century, structures, a consistency in building type, primarily the California bungalow, and a close association with the natural environment, as demonstrated in the particular by the siting of the homes on the east side of Third Street which are set into the slope of the hill. These elements combine to create an area with both a sense of place and a sense of Santa Monica's past.
 2. The Third Street Neighborhood Historic District possesses historical economic significance to Santa Monica in that the Vawter family, leading developers of the Neighborhood, were also influential in the economic success of Ocean Park through the founding and operation of Ocean Park's first bank and through the ownership and operation of one of Ocean Park's earliest businesses and tourist attractions, the Ocean Park Floral Company. In addition, the development of piers, bathhouses and hotels stimulated growth in the Ocean Park area by providing jobs and attracting both residents and visitors to Ocean Park and to the Third Street Neighborhood.
 3. The Third Street Neighborhood Historic District possesses historic significance to Santa Monica in that the neighborhood is associated with many prominent early City residents, including the Vawter, Hostetter and Archer families, and Abbot Kinney. The Vawters subdivided the District into residential lots, and also assisted in the establishment of Ocean Park's first water company and Santa Monica's first regular transportation service to Ocean Park. Moses Hostetter and his son William were both Neighborhood residents (2601 Second Street and 237 Beach Street, respectively). Moses Hostetter was a member of the Santa Monica Board of Trustees between 1896 and 1900, serving as chairman of the police, fire, and light committees. Alvin Archer constructed the American Colonial Revival home at 245 Hill Street and was also a founder of Ocean Park's first volunteer fire brigade. His wife, Louetta, was Ocean Park's first postwoman. Abbot Kinney, before developing "Venice of America," owned property on the west side of Second Street in the District, and also gave Ocean Park its name, naming the area after the eucalyptus groves planted by the Vawters near South Santa Monica Beach.
 4. The Third Street Neighborhood Historic District possesses architectural significance to Santa Monica in that the area displays a variety of architectural styles, from Victorian to Gothic, to American Colonial Revival, to California Craftsman, to Spanish Colonial Revival, which provide a visual representation of the Neighborhood's development through the 1930s. In addition, the Neighborhood is dominated by bungalows; twenty-nine bungalows and one bungalow court are extant in the District. While typically designed in a variety of architectural styles, the common bungalow theme is the association with the surrounding environment, the use of front porches, sun porches, front steps, overhanging eaves, and numerous windows to provide views and to merge the interior and exterior landscapes. The Third Street Neighborhood is a representative example of this architectural movement in Santa Monica.
 5. The Third Street Neighborhood Historic District possesses cultural significance to Santa Monica in that the area has ties to Santa Monica's religious, artistic and political life through the inclusion of both the Church in Ocean Park and the Iglesia El Sermonete Del Monte Assembleas De Dios (built in 1916 as the First Baptist Church) in the District, the Neighborhood's proximity to the murals along the Ocean Park Boulevard/Fourth Street Overpass, and the use of the Archer House by the Ocean Park Community Center.
- c. The Third Street Neighborhood Historic District boundaries consist of the area bounded on the east by the rear property line of the parcels on the east side of Third Street; bounded on the south by Hill Street including the parcels on the south side of the street but excluding the parcel on the southeast corner of Hill Street and Third Street; bounded on the west by the rear property line of the parcels on the west side of Second Street; and bounded on the north by Ocean Park Boulevard.
- d. Structures that contribute to the character and integrity of the Third Street Neighborhood Historic District shall be defined as all structures built prior to 1935; noncontributing structures and sites shall be defined as post 1935 developments and vacant parcels.
- e. Pursuant to Santa Monica Municipal Code Section 9.36.130, until such time as an ordinance is adopted that specifies the nature of any alteration, restoration, construction, removal, relocation, or

demolition of or to a building or structure within the Historic District that can occur without prior approval of a certificate of appropriateness, any such work must obtain approval of a certificate of appropriateness or certificate of economic hardship by the Landmarks Commission. (Prior code § 9630; added by Ord. No. 1535CCS, adopted 8/7/90; amended by Ord. No. 1590CCS § 1, adopted 7/23/91)